PART I.

Particulars respecting the Laws of Foreign Countries bordering the North Sea.

No. 1.

BELGIUM.

SIR F. R. PLUNKETT to the MARQUESS OF SALISBURY.

Brussels,
February 9, 1900.

MY LORD,

WITH reference to your Lordship's Despatch, No. 1 of this series, of the 5th ultimo, I have the honour to transmit to your Lordship herewith copy of a note received from the Belgian Government, enclosing a pamphlet which contains the laws and decrees in force in Belgium relating to sea fishing in Belgian territorial waters.

I have, &c.
(Signed) F. R. PLUNKETT.

The Marquess of Salisbury, K.G.,
&c. &c. &c.

Enclosure 1 in No. 1.

Bruxelles,
le 5 février 1900.

MONSIEUR LE MINISTRE,

EN vue de satisfaire au désir que votre Excellence a bien voulu m'exprimer sous la date du 6 janvier dernier, j'ai l'honneur de lui transmettre une brochure qui contient le texte des lois et arrêtés royaux relatifs à la pèche maritime dans les eaux territoriales belges.

Les dispositions qui règlent en Belgique les dimensions que les poissons de mer doivent atteindre pour pouvoir être capturés et mis en vente, se trouvent reproduites à la page 28 de la brochure dont il s'agit.*

Ce document a été mis à ma disposition par Monsieur le Ministre de l'Agriculture, à qui j'avais eu soin de faire part de la demande de votre Excellence.

Je saisis, &c.
(Signé) P. de FAVEREAU.

Enclosure 2 in No. 1.

MINISTÈRE DE L'AGRICULTURE, DE L'INDUSTRIE ET DES TRAVAUX PUBLICS.—EAUX ET FORÊTS.

LOI RELATIVE À LA PÊCHE MARITIME DANS LES EAUX TERRITORIALES.

I.

EXPOSÉ DES MOTIFS.

Messieurs,

Le principe qui forme la base du projet de loi se trouve consacré par la convention conclue le 6 mai 1882, à La Haye, entre la Belgique, l'Allemagne, le Danemark, la France, la Grande-Bretagne et les Pays-Bas. Les articles 2 et

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* *See* Articles 3 and 4 of Law of 5th September 1892 (*infra*, p. 10).

3 de ce contrat stipulent que les pêcheurs nationaux jouiront du droit exclusif de pêche dans le rayon de trois milles géographiques de 60 au degré de latitude, à partir de la laisse de basse mer, le long de toute l'étendue des côtes de leurs pays respectifs, ainsi que des îles et des bancs qui en dépendent.

L'Angleterre, la France et la Hollande ont sanctionné cette reconnaissance de leur souveraineté par des dispositions assurant la répression des atteintes portées aux droits de leurs regnicoles. La Belgique, jusqu'à présent, n'a pas affirmé ses titres.

Le projet de loi que nous avons l'honneur de soumettre aux Chambres, et au sujet duquel un comité de spécialistes (comité de mariculture institué auprès du département de l'agriculture, etc.) a été consulté, s'inspire de la législation des pays qui confinent à la mer du Nord.

Il prévoit les mesures préventives que comporte la libre circulation des bateaux de pêche naviguant ou mouillant dans les eaux territoriales (art. 2, 3e alinéa de la convention de La Haye). Il s'occupe, en outre, de la conservation et de l'augmentation de la richesse de la pêche maritime nationale, en autorisant le Roi à réglementer l'exercice de celle-ci, en ce qui concerne la reproduction et le développement des espèces les plus importantes.

Art. 1er. Cet article, dont la rédaction présente l'avantage de rappeler le principe de la loi, d'indiquer le statut de droit international qui le consacre et de désigner, dans son texte même, les limites de la mer territoriale, a pour objet la qualification exacte des faits de pêche que le législateur belge entend interdire aux étrangers dans les eaux sur lesquelles s'étend sa juridiction exclusive.

Sera prohibé, tout acte quelconque, qu'il soit posé à bord du bateau étranger ou sur une embarcation détachée, par le patron, un homme de son équipage ou toute autre personne, dès que la conséquence ou le but de cet acte sera la capture de poissons, mollusques ou crustacés, ou la destruction ou l'enlèvement de frai, fretin ou naissain.

Le § 3 de l'article réserve au gouvernement le droit de déroger au principe, par voie de conventions internationales, si des circonstances exceptionnelles le justifient.

Art. 2. Le principe de la souveraineté des puissances sur la mer territoriale n'est pas incompatible avec celui de la libre circulation des bateaux de pêche. La convention de La Haye a eu soin de le stipuler. Mais elle a subordonné cette libre circulation à l'observance des mesures préventives qu'il plairait aux puissances d'édicter dans le but de sauvegarder la plénitude de leurs droits.

Il serait difficile de déterminer, dès à présent, ces mesures avec la certitude et la fixité que comporte un texte de loi. L'expérience peut faire reconnaître la nécessité de modifications et d'améliorations successives. Il semble donc préférable de laisser régler ce point, d'importance secondaire, par le pouvoir exécutif.

Art. 3. L'article 3 désigne les agents chargés de la constatation des infractions et détermine la foi qu'il y a lieu d'attacher à leurs procès-verbaux, qu'on dispense de la formalité de l'affirmation. Au besoin, les juges, pour former leur conviction, pourront recourir à la preuve testimoniale et à tous autres moyens légaux, la matière restant absolument sous l'empire du droit commun.

Il est évident que les faits délictueux seront surtout posés et constatés au large et que les officiers de police judiciaire et les agents que leurs fonctions retiennent à la côte ne pourront concourir à la surveillance que dans une proportion assez restreinte. Toutefois, l'aide de ceux-ci peut, dans certain cas, ne pas être inutile, et il ne paraît pas qu'il puisse résulter le moindre inconvénient des attributions nouvelles que le projet de loi propose de leur conférer. Le gouvernement, d'ailleurs, aura soin, le cas échéant, de compléter la surveillance.

Art. 4. Cet article ordonne la saisie du bateau de pêche, en permettant de remplacer cette mesure de rigueur préalable à la poursuite par le versement d'un cautionnement qui est une véritable *cautio judicatum solvi*. La retenue du bateau ne doit servir qu'à garantir l'exécution de la condamnation.

Le bateau saisi, le cautionnement versé, sont choses graves, de nature à troubler profondément le pêcheur, en le privant, pendant un temps assez long, de son gagne-pain ou de son capital.

Sans doute, dans la pratique, le cautionnement en argent sera la règle et la saisie l'exception ; mais il se peut qu'il en soit autrement, et il serait bon, dans

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tous les cas, qu'une procédure rapide atténuât les graves inconvénients que l'on peut prévoir. La matière, en effet, n'est pas sans analogie avec celle de la détention préventive, dans les poursuites ordinaires de l'ordre correctionnel. La privation de son bateau, la consignation forcée d'une somme de plusieurs centaines de francs, peuvent atteindre le pêcheur d'une manière presque aussi sensible que la perte momentanée de la liberté.

Les dispositions de l'article 4 sont rigoureuses, sans doute, mais elles sont nécessaires et se trouvent en harmonie avec celles des législations en vigueur dans les pays limitrophes.

Remarquons, du reste, que la retenue du bateau doit être décidée, dans chaque cas, par le ministre qui pourra ainsi se montrer sévère pour les récidivistes et généreux envers ceux qui sont réellement dignes d'intérêt.

Il est utile aussi d'autoriser le ministre à procéder, après l'expiration d'un temps moral accordé pour le payement des amendes et des frais de toute nature, à la réalisation du gage que la justice lui a mis entre les mains.

Art. 5. Le produit et les instruments de l'infraction doivent être saisis. Tout produit de pêche trouvé à bord au moment de la constatation est présumé être le fruit de l'acte délictueux. Sa corruptibilité en rend la vente immédiate nécessaire.

En cas d'acquittement ou d'extinction de l'action publique, le prix de la vente sera remis au prévenu ou à ses ayants droit, qui devront s'en contenter, sans pouvoir élever aucune prétention basée sur la valeur du poisson saisi.

Quant aux engins de pêche, le projet permet d'en éviter la retenue par la consignation d'une somme représentant leur valeur, arbitrée par l'agent verbalisant.

Le but de cette disposition se conçoit aisément. On permet au pêcheur prévenu d'échapper à l'embargo que la loi met sur son bâtiment; peut-on logiquement le priver, pour un temps relativement long, des instruments de son travail? Ne serait-ce pas le mettre quand même dans l'impossibilité de gagner sa vie ou dans l'obligation d'acquérir de nouveaux appareils, très coûteux, alors qu'il est en droit d'espérer la restitution des siens s'il est acquitté et, peut-être, s'il est condamné? (Voir l'article suivant.)

Mais les engins dont l'emploi est interdit doivent rester saisis, à moins qu'il n'y ait acquittement ou extinction de l'action publique conséquemment reconnaissance expresse ou tacite de l'innocence; dans ce cas, en effet, on ne peut empêcher un pêcheur étranger d'avoir à son bord des filets dont l'usage peut être licite dans les eaux de son pays ou dans la haute mer.

Art. 6. Bien qu'il puisse sembler étrange qu'une personne qui, en connaissance de cause et de propos délibéré, a commis un délit, reste indemne de toute poursuite, il a paru qu'en matière maritime, le commandant ayant en mer une autorité absolue, sa responsabilité doit être aussi absolue que son autorité. Ce sera donc exclusivement contre le commandant ou son tenant lieu que les poursuites seront dirigées et les peines prononcées s'il échet.

Les peines prévues sont en harmonie avec celles des lois anglaise, hollandaise et française.

Le maximum de l'amende simple a été fixé à 250 francs, parce que la peine doublée doit, dans tous les cas, être inférieure au taux du cautionnement, afin de permettre la liquidation des frais. C'est d'ailleurs le maximum admis par la loi française.

La confiscation de tout ou partie des engins non prohibés ou de leur valeur est laissée à l'appréciation du juge, qui pourra ainsi user de clémence s'il existe des circonstances atténuantes. Il ne faut pas perdre de vue, en effet, que les filets employés à la pêche maritime ont souvent une valeur très grande; la confiscation obligatoire constituerait une peine souvent plus forte que l'amende elle-même.

Art. 7. Ici, pas de délit de pêche: une simple infraction à l'une ou l'autre mesure préventive. Donc, il ne peut être question de saisie ni de confiscation d'engins ou de produit de pêche.

Mais l'article 4 est applicable, parce qu'une garantie pour le payement de la condamnation est indispensable. Comme il s'agit de peines de police s'élevant au maximum à 50 francs, en cas de doublement, l'article 4 stipule que le cautionnement sera de 100 francs seulement.

Art. 8. Toutes les dispositions qui précèdent concernent les pêcheurs étrangers.

L'article 8 s'occupe, lui, des règles générales que les pêcheurs nationaux auront à observer dans l'exercice de leur industrie. Ces règles, comme il a été dit plus haut, ont pour objet la conservation et l'amélioration de la pêche maritime.

A l'instar de ce qui existe pour la pêche fluviale un arrêté royal déterminera :

1° Les temps, saisons et heures pendant lesquels la pêche fluviale sera interdite, soit dans toutes les eaux de la côte, soit en certains endroits seulement ;

2° Les modes et engins de pêche prohibés ;

3° Les conditions d'usage des engins autorisés ;

4° Les dimensions au-dessous desquelles les poissons de certaines espèces devront être rejetés à l'eau.

Si la pêche libre, basée sur cette croyance que le poisson de mer sera toujours assez abondant et n'a pas besoin de protection, a encore des partisans, il n'en est pas moins vrai que la diminution de la plupart des espèces comestibles est un fait établi. Aussi faut-il prendre des mesures pour empêcher la destruction du frai, du fretin et du naissain, comme l'ont déjà fait la plupart des pays qui confinent à la mer du Nord.

D'autre part, les périodes d'interdiction devront correspondre à celles des pays avec lesquels le gouvernement pourrait établir éventuellement les conventions prévues par l'article 1er, alinéa 3. Il importe, en effet, d'empêcher les pêcheurs étrangers d'affluer dans nos eaux pendant le temps où la pêche est interdite dans les leurs.

L'arrêté royal fixera le taux des peines, selon la gravité des infractions, sans toutefois pouvoir dépasser 300 francs.

Il décidera toutes les mesures analogues à celles des articles 3, 4, 5 et 6, nécessaires pour assurer la surveillance, la constatation et la répression.

Art. 9. L'article 9 se réfère au droit commun quant à la compétence des tribunaux quoi doivent connaître des infractions commises, soit par les étrangers, soit par les nationaux, contrairement aux dispositions de la loi ou des arrêtés royaux pris pour son exécution.

Comme il est dit à propos de l'article 4, une procédure rapide convient dans l'espèce ; il importe que la poursuite soit exercée aussitôt que possible, sans qu'un délai trop restreint puisse nuire toutefois à la répression ; c'est pourquoi le terme adopté pour la prescription de l'action publique est fixé à trois mois.

Art. 10. L'article 100 du Code pénal rend cette disposition indispensable, si l'on veut qu'il puisse être fait application des circonstances atténuantes.

Le ministre des affaires étrangères,
Le prince DE CHIMAY,
Le ministre de la justice,
JULES LE JEUNE.
Le ministre de l'agriculture, de l'industrie et des travaux publics,
LÉON DE BRUYN.

LÉOPOLD II, Roi des Belges,
A tous présents et à venir, SALUT.
Les Chambres ont adopté et Nous sanctionnons ce qui suit :

Art. 1er. Conformément aux stipulations des articles 2 et 3 de la convention internationale conclue à La Haye le 6 mai 1882, approuvée par la loi du 6 janvier 1884, la pêche, soit qu'elle s'exerce à bord, soit qu'elle ait lieu par embarcation détachée, est désormais interdite à tout bateau étranger, dans le rayon de trois milles géographiques de 60 au degré de latitude, comptés à partir de la laisse de basse mer, le long de toute l'étendue de la côte belge.

Sont considérés comme faits de pêche :

1° La capture ou la tentative de capture de tout poisson, mollusque ou crustacé ;

2° La destruction ou l'enlèvement du frai, du fretin et du naissain.

Le Roi pourra déroger à cette prohibition par des conventions internationales.

Art. 2. Un arrêté royal réglera les dispositions auxquelles devront se conformer les bateaux de pêche naviguant ou mouillant dans les eaux territoriales.

Art. 3. Indépendamment des officiers de police judiciaire chargés de la recherche et de la constatation des délits de droit commun, les capitaines commissionés commandant les navires de l'Etat, les commissaires maritimes et leurs agents, les fonctionnaires et employés de la douane et des ponts et chaussées, ainsi que la gendarmerie, rechercheront et constateront par procès-verbaux faisant foi jusqu'à preuve contraire, les infractions aux défenses et stipulations de l'article 1^{or} et de l'arrêté royal dont il s'agit à l'article 2 de la présente loi.

Art. 4. Le bateau surpris en défaut sera conduit dans le port belge le plus rapproché et remis au commissaire maritime. Dans les ports où il n'existe pas de commissariat, il sera remis à la douane ou à l'autorité communale.

Néanmoins le bateau n'y sera pas conduit ou cessera d'y être retenu, moyennant le dépôt, entre les mains soit de l'agent verbalisant, soit de l'autorité à laquelle l'embarcation a été remise, d'un cautionnement de 600 francs qui sera consigné au bureau de l'enregistrement dans le ressort duquel se trouve le tribunal compétent.

Le cautionnement sera de 100 francs seulement, s'il s'agit d'une contravention aux dispositions dont s'occupe l'article 2.

A défaut de ce versement, le gouvernement pourra retenir le bateau jusqu'à l'entier payement de l'amende et des frais, et même en ordonner la vente publique, si le condamné ne s'est complètement libéré endéans les trois mois du jugement définitif.

Le gouvernement ne sera pas responsable, en cas d'avarie quelconque, de destruction ou de perte de l'embarcation, pendant la mise à la chaine, sauf en cas de faute prouvée dans le chef des agents de l'Etat.

Art. 5. En cas d'infraction à l'article 1er, tout produit de pêche trouvé à bord au moment de la constatation sera saisi et vendu publiquement.

Les engins seront également saisis, à moins que le délinquant ne consente à en consigner la valeur comme il est dit ci-dessus, d'après l'estimation de l'agent verbalisant.

Toutefois, il ne pourra être bénéficié de cette faculté en ce qui concerne les engins prohibés en Belgique.

Le prix de la vente du produit de la pêche, ainsi que les engins ou leur valeur, seront restitués si le prévenu est acquitté ou si l'action publique est éteinte par prescription ou autrement.

Art. 6. L'infraction à l'article 1er sera punie par la condamnation du commandant du bateau ou, à son défaut, de celui qui le remplace, à une amende de 26 à 250 francs.

Le tribunal prononcera, en outre, la confiscation du produit de la vente du poisson saisi et, s'il y a lieu, celle de tout ou partie des engins non prohibés ou de leur valeur. Il ordonnera la destruction des engins prohibés.

L'amende sera de 50 à 500 francs :

1° Si l'infraction a été commise entre le coucher et le lever du soleil ;

2° S'il y a récidive endéans les deux années qui suivent une condamnation ;

3° Si le commandant ou, à son défaut, celui qui le remplace n'a pas obtempéré à l'injonction d'amener son bateau ou s'il s'est opposé à la saisie des engins ou du produit de la pêche.

Art. 7. L'infraction à l'une des dispositions de l'arrêté prévu à l'article 2 sera punie d'une amende de simple police, qui sera portée au double dans les cas mentionnés à l'article précédent.

Art. 8. Le Roi déterminera les restrictions et les mesures nécessaires pour empêcher la destruction et l'enlèvement du frai, du fretin et du naissain par les pêcheurs regnicoles. L'arrêté fixera les peines, conformément aux dispositions inscrites à l'article 6.

Art. 9. Les infractions aux prescriptions de la présente loi ou des arrêtés royaux pris pour son exécution, seront portées devant le tribunal correctionnel ou devant le tribunal de police ayant juridiction sur le port le plus rapproché du lieu de l'infraction, d'après les règles tracées à cet égard par le Code d'instruction criminelle.

L'action sera prescrite par le laps de trois mois à compter du jour de l'infraction.

De plus, elle sera éteinte si aucune poursuite n'a été intentée dans le délai d'un mois à compter du même jour.

Art. 10. S'il existe des circonstances atténuantes, les peines pourront être réduites conformément à l'article 85 du Code pénal.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du *Moniteur*.

Donné à Ostende, le 19 août 1891.

LÉOPOLD.

Par le Roi :

Le Ministre de la justice,
JULES LE JEUNE.

Scellé du sceau de l'Etat :
Le Ministre de la justice,
JULES LE JEUNE.

II.

ARRÊTÉS ROYAUX PRIS POUR L'EXÉCUTION DE LA LOI RELATIVE À LA PÊCHE MARITIME.

Rapport au Roi.

SIRE,

La loi du 19 août 1891 relative à la pêche maritime dans les eaux territoriales prévoit, à deux reprises, l'intervention de Votre Majesté :

1° Par son article 2, elle stipule qu'un arrêté royal réglera les dispositions auxquelles devront se conformer les bateaux de pêche étrangers naviguant ou mouillant dans les eaux territoriales.

Quelques mesures préventives de police, absolument dépourvues de tout caractère vexatoire, paraissent suffire pour répondre au vœu du législateur ;

2° L'article 8 de la loi laisse au Roi le soin de déterminer les mesures nécessaires pour empêcher la destruction du frai, du fretin et du naissain par les pêcheurs regnicoles et de fixer les peines conformément aux dispositions inscrites à l'article 6.

L'objet à réglementer, Sire, est des plus importants : si l'on veut conjurer la ruine de la pêche maritime, il est indispensable que l'on mette un frein au gaspillage auquel cette pêche donne lieu, en protégeant la reproduction et la multiplication des espèces les plus appréciées.

L'idée a été émise que les eaux territoriales pourraient être considérées comme une immense frayère naturelle, qui servirait au repeuplement de la haute mer ; mais ce but ne pourra évidemment être atteint que par les efforts réunis des diverses nations riveraines.

Les conférences tenues à Londres en 1890 et 1892 ont émis des vœux dans ce sens, et l'on peut espérer que, dans un avenir prochain, des mesures seront prises par toutes les puissances intéressées pour en assurer la réalisation.

C'est en s'inspirant de ces considérations que le projet d'arrêté a été conçu.

Il est certain, notamment, que l'emploi des matières explosives doit être strictement prohibé.

Il faut aussi interdire, pendant le temps de fraie, l'emploi des engins destructeurs par excellence : les filets traînants. Toutefois, afin de ne pas entraver l'industrie du pauvre, il a été reconnu utile d'exclure de l'interdiction le filet traînant manœuvré par un seul homme sur le bord de la mer et dont l'effet nuisible est, du reste, assez limité.

Mais le point essentiel, Sire, c'est d'empêcher la capture des jeunes sujets ayant déjà une certaine valeur marchande, dont le développement doit assurer la richesse de la pêche maritime.

Pour que la mesure à prendre à cet égard soit efficace, il faut qu'elle soit radicale.

Aussi, par la rédaction adoptée, est-il proposé de mettre obstacle à l'introduction en Belgique, par quelque voie que ce soit, des poissons déterminés n'ayant pas atteint certaines dimensions, sans distinction de leur provenance ni de la nationalité du bateau qui les transporte. S'il en était autrement, il serait trop facile d'éluder la défense.

Il est à remarquer que l'achat des poissons dont la vente est prohibée n'est pas considéré comme un fait délictueux, attendu qu'il semble difficile d'exiger

du consommateur la parfaite connaissance des diverses espèces qui peuplent les eaux salées.

Pour assurer l'exécution des dispositions arrêtées, il faut que les surveillants aient le droit de visiter les bateaux de pêche belges se trouvant dans la mer territoriale. Le simple refus d'amener ou de laisser visiter l'embarcation doit être réprimé, sinon celui qui se trouverait en défaut pourrait facilement échapper à la loi, s'il n'a pas été surpris en flagrant délit. La peine doit même pouvoir atteindre un taux assez élevé, pour permettre au juge de punir selon les présomptions de culpabilité.

Mais il est évident que le refus de visite doit se confondre avec l'opposition à la saisie des engins ou du produit de la pêche lorsqu'une infraction a été commise et constatée.

Les peines, devant être fixées conformément aux dispositions inscrites à l'article 6 de la loi du 19 août 1891, ne peuvent être inférieures à 26 francs ni supérieures à 250 francs. Toutefois, dans les cas aggravants prévus par le même article, elles peuvent varier de 50 à 500 francs. Elles ont donc été établies, dans ces limites, d'après l'importance relative des faits qu'elles doivent réprimer.

Naturellement, le juge aura le droit de les réduire dans le cas prévu par l'article 10 de la loi précitée.

J'ai l'honneur, Sire, de prier Votre Majesté de bien vouloir revêtir de sa signature les deux projets d'arrêtés ci-joints.

Je suis,

Sire,
Avec le plus profond respect,
De Votre Majesté
Le très humble et très obéissant serviteur,
Le Ministre de l'agriculture,
de l'industrie et des travaux publics,
LÉON DE BRUYN.

LÉOPOLD II, Roi des Belges,

A tous présents et à venir, SALUT.

Vu la loi du 19 août 1891, relative à la pêche maritime dans les eaux territoriales, et notamment l'article 2, portant qu'un arrêté royal réglera les dispositions auxquelles devront se conformer les bateaux de pêche étrangers naviguant ou mouillant dans les eaux précitées ;

Vu l'avis du comité de mariculture institué au département de l'agriculture, de l'industrie et des travaux publics ;

Sur la proposition de Notre Ministre de l'agriculture, de l'industrie et des travaux publics,

Nous avons arrêté et arrêtons :

Art. 1er. Durant son séjour dans les eaux belges, tout bateau étranger doit avoir ses engins de pêche rentrés à bord et porter le pavillon de sa nationalité.

Art. 2. Il se conformera aux règles imposées aux bateaux nationaux, concernant les feux, les signaux, les marques et les manœuvres de navigation et de mouillage.

Art. 3. Il sera muni de pièces officielles délivrées par les autorités compétentes de son pays, attestant sa nationalité, justifiant de ses marques extérieures et indiquant le nom de son propriétaire et celui du capitaine ou patron.

Ces pièces seront exhibées à toute réquisition des autorités désignées à l'article 3 de la loi du 19 août 1891.

Art. 4. Il lui est interdit de gêner la navigation à l'entrée des ports ou des rades et les opérations de pêche des bateaux belges.

En conséquence, il est tenu de déférer immédiatement à l'injonction de se retirer qui lui sera faite par les autorités belges.

BELGIUM.

Art. 5. Toute infraction aux dispositions du présent arrêté donnera lieu à l'application des mesures et des peines prévues par les articles 4, 7, 9 et 10 de la loi du 19 août 1891.

Art. 6. Notre Ministre de l'agriculture, de l'industrie et des travaux publics est chargé de l'exécution du présent arrêté, qui entrera en vigueur le 1er octobre 1892.

Donné à Ostende, le 5 septembre 1892.

LÉOPOLD.

Par le Roi :

Le Ministre de l'agriculture,
De l'industrie et des travaux publics,
LÉON DE BRUYN.

LÉOPOLD II., Roi des Belges,

A tous présents et à venir, SALUT.

Vu la loi du 19 août 1891, relative à la pêche maritime dans les eaux territoriales, et spécialement l'article 8, ainsi conçu :

"Le Roi déterminera les restrictions et les mesures nécessaires pour empêcher la destruction et l'enlèvement du frai, du fretin et du naissain par les pêcheurs regnicoles. L'arrêté fixera les peines, conformément aux dispositions inscrites à l'article 6.

Vu l'avis du comité de mariculture institué au département de l'agriculture, de l'industrie et des travaux publics :

Sur la proposition de Notre Ministre de l'agriculture, de l'industrie et des travaux publics,

Nous avons arrêté et arrêtons :

Art. 1er. La pêche au moyen de la dynamite ou de toute autre matière explosive est interdite.

Art. 2. Pendant les mois d'avril et de mai, les engins de pêche suivants sont seuls autorisés, à l'exclusion de tous autres :

1° Les lignes ;

2° Les engins dormants ;

3° Les échiquiers ou carrelets ;

4° Les filets traînants manœuvrés exclusivement par un seul homme non monté sur une embarcation.

Art. 3. Les longueurs en dessous desquelles les poissons ci-après désignés doivent être rejetés à la mer sont déterminées comme suit :

1° 0m25, les turbot, barbue, raie, flétan, morue et églefin ;

2° 0m18, les sole, limande, plie et merlan.

Ces mesures représentent la longueur totale des poissons.

Sont considérés comme provenant de la mer territoriale les poissons des espèces précitées trouvés à bord des bateaux de pêche nationaux naviguant ou mouillant dans les eaux belges.

Art. 4. Les poissons mentionnés à l'article 3 n'atteignant pas les dimensions déterminées, et quelle que soit leur provenance, ne peuvent être débarqués, transportés, colportés, exposés en vente ni vendus en Belgique.

Art. 5. Les bateaux pêchant dans la mer territoriale seront revêtus des marques imposées pour la pêche dans la haute mer par la convention internationale conclue à La Haye, le 6 mai 1882, et par les conventions subséquentes.

Art. 6. Les infractions au présent arrêté sont recherchées et constatées comme il est dit à l'article 3 de la loi du 19 août 1891.

Les divers agents désignés par cette disposition ont le droit de visiter, en tout temps, les bateaux de pêche belges se trouvant dans la mer territoriale.

Art. 7. Lorsqu'une infraction aux articles 1er ou 2 est constatée, les substances ou engins prohibés sont saisis, ainsi que le produit de la pêche qui est vendu publiquement.

Le prix de la vente et les engins sont restitués si le prévenu est acquitté ou si l'action publique est éteinte par prescription ou autrement.

Les poissons qui n'ont pas les dimensions légales sont également saisis et rejetés à la mer ou remis sans délai à l'hospice le plus rapproché.

Art. 8. Les peines encourues par le délinquant ou, lorsqu'il s'agit d'un délit commis sur un bateau, par le commandant ou son remplaçant, sont déterminées comme suit :

A. Pour infraction à l'article 1er, une amende de 50 à 250 francs, sans préjudice aux peines encourues pour contravention à l'arrêté royal du 1er décembre 1891 ou aux dispositions qui seraient arrêtées ultérieurement concernant les substances explosives ;

B. Pour infraction à l'article 2, une amende de 26 à 200 francs ;

C. Pour infraction aux articles 3, 4 et 5, une amende de 26 à 100 francs.

Ces taux, minimum et maximum, sont portés au double :
1° Si l'infraction a été commise entre le coucher et le lever du soleil ;

2° S'il y a récidive endéans les deux années qui suivent une condamnation ;

3° Si le commandant ou, à son défaut, celui qui le remplace n'a pas obtempéré à l'injonction d'amener son bateau ou s'il s'est opposé à la saisie des engins ou du produit de la pêche.

Art. 9. Le simple refus d'amener ou de laisser visiter le bateau sera puni d'une amende de 26 à 200 francs.

Art. 10. Notre Ministre de l'agriculture, de l'industrie et des travaux publics est chargé de l'exécution du présent arrêté, qui entrera en vigueur à partir du 1er octobre 1892.

Donné à Ostende, le 5 septembre 1892.

LÉOPOLD.

Par le Roi :
Le Ministre de l'agriculture,
de l'industrie et des travaux publics,
LÉON DE BRUYN.

No. 2.

DENMARK.

DENMARK.

SIR EDMUND FANE to the MARQUESS OF SALISBURY.

Copenhagen,
February 27, 1900.

MY LORD,—

I HAVE the honour to transmit herewith copy of a note from Admiral Ravn, enclosing the Danish Fishery Law of 1888, and giving full particulars respecting the legislation on this subject. In conclusion, His Excellency promises me a further communication concerning the Fishery Laws of Iceland and the Faroe Islands.

I have, &c.
(Signed) EDMUND FANE.

Enclosure 1 in No. 2.

Copenhague,
le 23 février, 1900.

MONSIEUR LE CHEVALIER,—

PAR une lettre datée le 9 du mois passé vous m'avez demandé certains renseignements sur la législation danoise en matière de pêche.

En vous adressant sous ce pli un exemplaire de la loi du 5 avril 1888, sur la pêche en Danemark, je constate que cette loi contient, pour le royaume de Danemark proprement dit, les dispositions actuellement en vigueur relativement aux pêcheries de mer tandis que les prescriptions de la loi, en tant que concerne les pêcheries dans les eaux douces, ont été remplacées par celles de la loi du 26 mars, 1898. Les règles générales de la loi visant la protection des poissons (et crustacés) de petite taille (undersized and immature fish) se trouvent dans les §§ 8, 9, 13, 14, 15, 56 et 57. Le chapitre 3 contient des dispositions spéciales concernant la pêche dans de Limfiord. En vertu du chapitre 4, des règlements spéciaux ont été publiés pour un grand nombre de fiords, de baies et de détroits. Ils prescrivent des règles détaillées quant aux saisons de la pêche des différentes espèces, quant aux procédés permis, quant aux engins de pêche et leur construction, &c., &c.

La pêche aux huitres dans la mer territoriale est une régale actuellement donnée à ferme par l'État. Selon le contrat, la pêche est absolument interdite à partir du 1er mai jusqu'au 15 septembre. Puis il est défendu au fermier de ramasser des huitres d'une taille si mince qu'elles puissent passer par un cadre long de 8 centimètres et large de 3 centimètres (mesure intérieure). Si, par erreur, des huitres de si faibles dimensions sont ramassées, il faudra les rejeter à la mer.

En outre le gouvernement s'est réservé le droit de défendre au fermier pour une période plus ou moins longue de prendre des huitres sur certains bancs et enfin le fermier, s'il trouve un banc particulièrement riche en jeunes huitres de petite taille, doit s'abstenir d'y pêcher pendant le reste de la saison. En cas de contravention à ces règles le gouvernement pourra infliger au fermier des amendes de 20–100 couronnes par voie administrative.

Pour ce qui concerne les pêcheries d'Islande et des îles de Faroe, je me réserve une communication ultérieure quand j'aurai reçu les réponses des ministères compétents.

Je saisis, &c.
(Signé) RAVN.

Sir E. Fane, K.C.M.G.,
&c., &c., &c.

Translation of Enclosure 2 in No. 2. DENMARK.

DANISH FISHERY LAW.

I.—SALT WATER FISHERY.

Chapter 1.

General Provisions.

§ 1.

In Danish waters, within the limits of this law, every one who has either right by birth, or has been domiciled in Denmark for at least two years, has permission to fish anywhere, where no special rights in the practice of fishery have been acquired.

All other persons are forbidden to fish in Danish waters, even although they do it in conjunction with Danish subjects. This, however, does not put a stop to the accepted practice in accordance with which Swedish as well as Danish subjects fish in the Sound between the lines Gildborghoved-Kullen to the north and Stevns-Falsterbo to the south, nor to the herring-fishery, which, at a certain period is engaged in off Bornholm by Swedish subjects.

§ 2.

When any one has lawfully taken up a place for fishing, and has marked his gear, that person cannot be dislodged from his position or driven to fish elsewhere by other fishermen, as long as he holds that place.

If a second man sets his gear, or allows it to float on to the spot already selected by the first man, he is liable for any damage done.

If moving fishermen find themselves in the vicinity of fixed fishing-gear, they ought to take every precaution to avoid disturbing it. If they do injure it, and if the fixed gear was properly marked, the moving fishermen are liable for all damage, unless they are able to prove that it was done in conditions over which they had no control.

§ 3.

The right to fish with eel-dams or eel-pots is given exclusively to certain riparian owners. Each one has the right to use his own, unless other persons have acquired rights in that respect. Every species of fishing, outside the coast which belongs to other persons, and also fishing with unattached eel-wheels, is permitted, but must be practised in such a way as not to come so close to the private eel-dams or eel-pots, as to do injury to these latter.

The right to possess eel-dams must not be exercised away from the adjacent coast.

§ 4.

If a growth of reeds or rushes occurs in immediate connection with the shore or the edge of the fjord, no fishery, especially for the capture of eels, must be practised in such a way as to injure this growth.

§ 5.

So far as the parish council determines that it is necessary to make one or more public roads or paths leading to general landing places for fishermen, for the common weal, these may be made in accordance with the laws on the subject of the 4th of July 1850, and the 20th of August 1853.

§ 6.

When fishermen consider that they require to use a portion of the shore for hauling up their boats, and for drying their nets, and when no agreement on this subject can be arrived at, they can appeal to the Commission to find them a place either on the strip of grass between the cultivated land and the water, or where none such exists, on the edge of the land itself, suitable for hauling up boats and drying nets upon, in concert with the regulations of the law of January 23, 1862. When this request is taken into consideration, due care must be shown in finding out whether the fulfilment of the wishes of the fishermen will be injurious or inconvenient to the proprietor of the land

and it will be necessary to see that the proprietor will not suffer by the loss of the land occupied by the fishermen. If they can come to no mutual understanding, compensation for a period of 5 years may be decided by arbitration. No fishermen but those who have contributed to the payment of the compensation will be allowed to use the place. If it can be proved that the portion of grassy or waste land was of no use or profit at all to the owner or occupier, no compensation need be awarded. When the 5 years have expired either the owner or the fisherman is at liberty, at his own cost, to open the question anew by means of an appeal to the Commissioners for re-adjudication.

§ 7.

Fishery must not be practised in such a way as to hinder or render difficult free navigation, or so as to remove sea-marks from their places.

It is also forbidden, when fishing is broken up or concluded, to leave the fixed gear used for it or portions of the same in such a position or in such conditions that they offer a danger to navigation or a hindrance to other fisheries.

Chapter 2.

Fishery at Sea and off open Coasts.

§ 8.

Fishing with a trawl is forbidden.

Nets or other gear which are dragged along the bottom of the sea fixed to boats or larger vessels, moved forward by the exercise of whatever force, must not carry a greater weight than 40 lbs.

§ 9.

Fishing with nets of any kind whatever is forbidden in all waters included in this chapter, except in the Atlantic, Scagerak, and Cattegat, during the months of March, April, and May, in the fourth part of these waters, when the spawn is hatching. The Home Minister will lay down the limits of the waters so closed in relation to the local conditions of each particular fishing-ground.

In the Cattegat whirling nets for flounders are forbidden from the 1st of July to the 15th of August.

In special cases the Home Minister may admit exceptional conditions.

§ 10.

Unless proprietary rights permit it bottom gear must not be set nearer to each other than 300 fathoms, and other sorts of gear must not be set down nearer to bottom-gear than 40 fathoms outside the main post and 200 fathoms to the sides.

In special cases the Home Minister may modify this regulation.

§ 11.

Unless proprietary rights exist no fishing gear may be set or trawl be drawn nearer than 200 fathoms to the sea mouth of a fjord, and 100 and 50 fathoms respectively from the mouth of a stream or a brook, or of any artificial outflow into the sea or a fjord.

The Home Minister may relax this law in special cases.

§ 12.

The distance between teeth, prongs, and barbs on saw and spike-spears between point and staff in eel-pots must not be less than is already laid down for eel fishing in the Lim Fjord.

§ 13.

For the future it is forbidden to fish lobsters which are less than 7 inches long, measured from the point of the beak to the root of the tail.

§ 14.

If the attention of the Home Minister is drawn to the fact that fishing is being conducted with newly-invented gear, which he considers injurious to

general fishery, or for any particular branch of lawful fishery, he is empowered to prohibit the use of this kind of gear, but this whole question is shortly to be made the subject of legislation.

§ 15.

The protection for fixed gear spoken of in Art. 2 is to be exercised in the matter of the salmon-chains used off Bornholm only during the following periods :—

(*a.*) Around the west coast, reckoned from Dueodden to Hammeren, from October 1 to February 15, around the east coast from October 1 to April 1st. These limits of time may be altered at the request of the fishermen, with the approval of the Home Minister.

(*b.*) The rule laid down in § 43–44, regarding the appointment of one or more fish-bailiffs, may also be applied to Bornholm, if the fishermen there wish it.

(*c.*) No trade may be carried on in—

Bornholm salmon under 3lb.
„ trout „ ½ „
„ cod „ ¼ „
„ turbot „ ½ „

For other kinds of fish, *see* directions in § 56.

Chapter 3.

Fishing in the Lim Fjord.

General Rules.

§ 16.

As a guide to the size of the meshes in the nets used, the following authorised sizes can be followed :—

Bow-down size,	22	lines in	circumference.
Fishing-net „	21	„	„
Herring-net „	20	„	„
Eel size	15	„	„
Eel-pont size	12	„	„

Samples can be obtained at any village on the Limfjord.

§ 17.

The nets shall be connected in such a way that when the respective form is placed in the mesh, which shall be an exact square, the two central knots shall, whether the net is dry or wet, be able to touch one another without tension. In consequence of this the meshes which are connected on the bow-down size form will be about 44 lines in circumference, while those which are connected on the fishing-net size will be about 42 lines, and so on.

§ 18.

In cases where it is laid down that a certain ell-measure of a portion of the net must have a lesser size of mesh than the rest of it, there ought to be a transition from the lesser width of mesh to the greater, but this transition must be wholly contained within the ell-measure which has been set apart for the lesser size of mesh.

§ 19.

The breadth of the sailing channel is laid down, as heretofore, as follows :—

(*a.*) Between Österland and Oxholmsgrund up to Munkedrag and on to Nibe, 60 fathoms at least ;

(*b.*) From Nibe to Sebbersund, 20 fathoms at least.

§ 20.

When no special authority is possessed, no fishing-gear may be set or used closer to any other fishing-gear, already in place or in use, than 100 fathoms, unless by mutual consent, nor closer to the natural or artificial mouths of brooks, &c., than 100 fathoms.

§ 21.

Fishing in the creek between Olby and Resen parishes, on the bay of Sönder Lem and in Sebber Bredning west of the dam over Sebber Sound, must be regulated by special rules drawn up in relation to chapter 4, §§ 41, 42.

Until the byelaws for these waters are passed, those shall be in force which are found in § 11 of the Law of January 4, 1861, with Order of June 21, 1867, with respect to fishery in Kiler

Herring Fishery.

§ 22.

A seine station shall in future, as heretofore, extend 42 fathoms in length except at the spots where there is not room for more than one net, in which case it may be long or short according to the situation of the place and the condition of the water.

§ 23.

A seine station may be occupied as follows :—

(*a.*) By one seine in the construction of which the row shall stand in the right line and stretch close up to the head-joint of the seine ;

(*b.*) By two seines, namely the fore-net and the hinder-net, in which form of construction all the head-joints of the straight net must be set in the right line and stretch 42 fathoms from one another.*

§ 24.

Every other form of occupation, except those mentioned in the previous paragraph, is prohibited. But the Home Minister shall relax this law in particular instances, if he considers that circumstances call for it.

§ 25.

The herring fishery may be practised from the 24th of September to the 24th of June.

§ 26.

The different parts of the herring-seine, as well as the rows, shall be fastened together on a fixed system, namely [here follow directions].

§ 27.

The period for the use of herring nets shall be from October 1 to June 15.

The herring nets shall be fastened together on the following system [here follow directions].

§ 28.

No herring net may, while it is being used, anywhere encroach over the midstream line.

§ 29.

Drift nets and standing nets may be used everywhere in the Lim Fjord ; but the latter may not be used in herring seine stations during the time fixed for that fishery, unless the owners of those stations give their consent, and even in those cases, care must always be taken not to interfere with the regular fishery.

Eel Fishing.

§ 30.

The use of the nets described in § 8 is entirely prohibited "Pulse" and "tub" nets may be used as they have hitherto been, that is to say, so that the boat, which may not pull her anchor or any similar weight after her, is drawn to the net, and "tub" nets also in such a way that the net is drawn to the boat, while she lies at anchor.

[* Here follows a long list of forms which the seine station may take. The terms are extremely technical.]

§ 31.

It is forbidden to fish for eels with "pulse" or "tub" nets in the following localities:—

a. From the entrance at Hals to Lögstör Banks.
b. In Hjarbœk Bay, south of Virksund Ferry.
c. In Skive Fjord, within the line Guldknap to Lybymölle.
d. In the bay, which runs in to the town of Nykjöbing on Mors, inside the line from the northern to the southern of the points which form the bay.
e. In the bay or harbour which runs up to the town of Lemvig, within a line drawn from Gjeller Point to Kabbel Point.
f. In Skibsted and Gravgaard Fjords, beyond a line drawn from Lindholm to the cliff on Thyholm.
g. In the entrance to the port of Krik, inside a line east and west of Kobberrödgaarde.

"Pulse" and "tub" nets must, by day, be carried in a boat when sailing through the closed waters, but at night only in case of necessity, and fishermen can at any time free themselves from responsibility in this matter by giving due notice beforehand to the local fishing bailiff.

§ 32.

"Pulse" and "tub" nets should be fitted up in such a way that the arms and the forepart of the peak are connected with the eel-pot (?), and the four outermost or hindermost ells of the peak, &c., &c. The length of the trawl-line must not exceed 25 fathoms.

§ 33.

[Description of the eel-pots and eel-stakes which are allowed to be used.]

§ 34.

[Geographical distribution of eel-dams, a list of their positions being given, and the dates at which each of them may be fished.]

§ 35.

Eel-wheels and similar wheels may be connected in this way: Wheel, arms, and bow nets outside little calf-pens (?).

Flounder Fishery.

§ 36.

In flounder fishing may be used flounder nets, flounder-spikes, shore drag-nets, and whirling nets.

The flounder shore drag nets are to be connected in this way,—the meshes in the arms and the inner part of the bag are $2\frac{1}{4}$ inches square, and in the four outer ells of the bag are 2 inches square, so that the circumference of the meshes is respectively 9 and 8 inches. The weight of the net must not be fastened directly to it, but shall be connected by means of straps. In case of collision, it ought always to be able to yield to the herring net.

Flounder whirling nets, which are dragged from a boat lying at anchor, may only be used during the period from September 1st to April 1st, and their meshes shall be the same size as is laid down for the flounder shore drag nets.

Ordinary flounder nets shall have the same width of mesh as the arms in the shore drag nets.

Other Kinds of Fishing.

§ 37.

The size of the mesh in salmon and trout nets, and gwiniad nets, shall be $1\frac{1}{4}$ inches square and 5 inches in circumference, except in the bunt, which may be fastened to the bow-down size ["nedborskjœlden"].

Gwiniad nets and other such nets for grey fish, which are dragged to shore must be used in the period from the 15th of May to the 1st of November. They shall be connected on the same principle as has been laid down for flounder-nets.

In the capture of grey fish may also be used bow nets, hooks, and dropped nets.

§ 38.

Shrimp-nets may be used between the 1st of April and the 30th of September; they may not be set in waters deeper than $2\frac{1}{2}$ ells with 20 ells of row nets, which shall stand in an even line with the shore, and must not be laid closer together than 60 fathoms.

It shall further be permitted to use porpoise nets, seal nets, and shrimp baskets or purse nets, of dimensions not greater than $1\frac{1}{2}$ ells in diameter.

Shrimp nets and other gear for the fishing of shrimps must not be used with meshes smaller than 12 lines to the circumference.

The rule in § 13 regarding the fishery of lobsters is binding also for the Lim Fjord. In the month of July lobster fishing in that fjord is entirely forbidden.

Prohibition.

§ 39.

The use of any other kinds of gear except those named above is prohibited from this time forth, and this includes all kinds of eel pots not mentioned above. At the same time nets up to a length of 8 ells may be used for catching bait.

The Home Minister is empowered to allow any other form of gear, which may be introduced or invented, to be used if he is convinced of its conveniency.

§ 40.

The mere possession of the forms of eel pot named above is forbidden for a distance of two Danish miles from the Lim Fjord. So is the possession of bait nets unless the owner lives within one mile of the sea. These rules, however, are not meant to apply to tackle which is used for fishery in an inland lake, but the owners must give notice to the police that it is going to be put to that use.

Chapter 4.

Fishing in other Fjords.

§ 41.

For fishery in all the other fjords, bays, and similar indentations of the coast, as well as in the narrower sounds, the rules in §§ 8–9 and 11–14 apply. Detailed rules with regard to the fishery in each of these local waters can be obtained, if the majority of the fishermen there resident desire, by reference to the local authorities' byelaws (§42).

In such portions of the above-named waters in which fry may be expected to hatch, the byelaws can be framed in such a way as to prohibit every species of fishery with the gear mentioned in §§ 8 and 9, as also the use of eel-wheels and threshing purse nets, which prohibition, however, need not cover the use of small nets for the capture of little fish as bait. These "close waters" must not exceed one-fourth of the whole area of the water concerned.

§ 42.

A local committee, appointed by the Home Minister, shall draw up the byelaws. Of this commission a majority of members shall be elected by the communes whose lands touch the piece of water concerned, and a minority by the provincial and municipal authorities. The local fishery inspector is bound to give the committee the benefit of his advice, if called upon to do so, so far as his other duties permit. The rules of procedure at the meetings of the committee shall be laid down by the Home Minister.

Before a byelaw is passed by the committee and sent up to the Home Minister for his sanction, it shall be posted up in several public places for

14 days, so as to give the fishermen opportunity to see whether it meets their requirements. The committee may summon all interested parties to attend a meeting on a given day to hear the byelaw read and to discuss it. A protocol of the proceedings at such a meeting shall be taken down and forwarded to the Home Minister in conjunction with the proposed byelaw.

The same practice shall hold good in proposals to alter and suspend byelaws. When a byelaw is cancelled, there shall be posted up, for a year from its being cancelled, a notice of the resolution.

In these matters, anyone who gains his principal livelihood from fishery shall be considered a fisherman.

The expenses connected with the passing or altering of byelaws shall be paid out of the Treasury.

Copies of the byelaws shall be deposited with every fishing bailiff, parish clerk, and police officer in the fishery district.

§ 43.

The byelaws may contain exact rules as to the time and as to the manner in which the different forms of fishery may be carried on, what gear may be used, how it is to be constructed, &c., as well as directions regarding the relation between fishing and sailing, and rules for navigation while fishing is going on.

For the fjords, creeks, &c., where the fresh-water fish mentioned in § 53 play, there shall be laid down in the byelaws a close time for these fish of not shorter duration than what is mentioned in the previous paragraph. Also, for other fish playing in these waters, protective measures may be introduced. The local conditions will be made the basis of decision as to what time shall be close time.

Alterations can be made in the limits of close time, but not in such a way as to make it less. Under very peculiar conditions a smaller measure of size can be named in the byelaws than is laid down in §§ 16, 23, 33, and 56, but care must be taken not to interfere with the privileges of the local fishermen.

The byelaws will be enforced partly by the proper controlling authorities (*see* § 46) and partly by the police. The appointed fishing bailiffs shall give their assistance, and it shall be the duty of the parish to see that the byelaws are observed. If several county or parish councils have united to issue the byelaw, they shall decide in common how many fishing bailiffs each council elects and pays. After their appointment the fishing bailiffs have the same authority and enjoy the same protection as the agents of the police. They are provided by the police authorities with a symbol of their office, which they are bound to wear, prominently visible, whenever they are on duty.

§ 44.

In case of doubt, it is for the Home Minister to decide how far a piece of water belongs to that class which is dealt with in the succeeding chapter.

Chapter 5.

Directions for Control.

§ 45.

The care of seeing that the above regulations are obeyed falls partly to the police authorities concerned, to the parochial authorities, and to the fishing bailiffs (§ 43), and partly to a special disciplinary police appointed for that particular purpose.

§ 46.

This control shall consist of two fishery inspectors, one with a residence in Jutland, whose district shall comprise the coasts and fjords of Jutland, including the Lim Fjord, and one with a residence on the Islands, whose districts shall comprise their coasts and fjords.

As assistants to the inspectors shall be appointed, in the Jutland district, two assistants, and in the Islands district, one assistant, besides the necessary boatmen, the number of whom shall be fixed by the Home Minister.

The inspectors, as well as the assistants, shall be selected, as far as possible, from among fishermen or persons practically expert in fishery.

§ 47.

The fishery inspectors shall be paid 2,000 crowns, which shall be raised, after every two years' service, by 100 crowns, to 2,500 crowns.

The assistants shall be paid 800 crowns, raised after each year's service, by 100 crowns, to 1,200 crowns.

The boatmen shall be liable to dismissal by notice. The expenses for their wages are met by the annual Budget.

The inspectors, moreover, receive, each, 4 crowns, the assistants, each, 3 crowns, and the boatmen, each, 1½ crowns, as well as travelling expenses by land.

All these payments are paid out of the Treasury.

The inspectors and assistants are appointed by the Minister; the boatmen are hired by the inspectors. The Minister will issue special instructions laying down the duties and responsibilities of all these officials.

§ 48.

The authorities of each of the parishes contiguous to the Lim Fjord may nominate and pay one or more inhabitants of the parish, who are willing to undertake the work, to act as fishing bailiff in that fjord. The nomination of these officers must be announced to the police authorities, who will give each person so appointed a badge of office, which it will be his business to wear prominently visible whenever he is on duty. These local inspectors must also be provided with a "skjælde" (?). In the prosecution of their duties they enjoy the same protection and exercise the same rights as agents of the police. If any inspector is guilty of an infraction of the law in exceeding the rights given to him, or if in any other way he shows himself undesirable, the police authorities may call for his dismissal. The Home Minister will issue instructions setting forth exactly what are the duties and responsibilities of this class of local inspectors.

II. FRESHWATER FISHERY.

§ 49.

In lakes, rivulets, brooks, and other such like waters, there shall as heretofore be reserved to proprietors, the right to fish, each outside his own property, and out to the middle of the stream, unless any other rule prevails, or anyone has secured a special right to fish in those particular waters.

This right must not be separated from the contiguous land.

§ 50.

In the waters here discussed, where the right to fish is held by each person out from his own land or by others, unless peculiar conditions exist, fishing-farms, or any other such fixed contrivances, which might hinder the free passage of the fish, may hereafter not be extended further from shore than the middle of the stream. They must in no case be brought nearer to the central line of the stream than so as to leave in the middle of the water-course an open space of three ells, or, if the water-course is not nine ells broad, of at least one-third of its breath.

If, when this law is passed, anyone has already obtained the right to build contrivances for catching fish (eels, salmon, trout, &c.) in a water-course, which do not leave open for the passage of fish the amount of space required, he must allow these contrivances to stand open from sunrise to set, unless he can produce some special warrant authorising him to block up the water-way, but in any case from sunset on Saturday to sunrise on Monday morning he must keep them open, if they are fixed, or remove them, if they consist of any of

the forms of loose gear which are capable of being set across the entire breadth of a piece of water.

These rules are not intended to interfere with carefully laid-down fishery establishments, fishing dams, fish-parks, or other similar institutions, even if these are connected with the waters treated in § 49, unless they are a hindrance to the natural passage of the fish from one water to another.

§ 51.

In case of collision between the fishing in the common fresh water, and other interests in these, the rule is that the fishing must give way to the diverting and use of the water in the interests of agriculture, but only with the full understanding that the users of the water for fishing and for industrial purposes are equally entitled to protection from the other. No one has the right to use these waters for sailing or boating so as to injure another man's fishing, unless with a special legal warrant.

§ 52.

It is prohibited to discharge into the waters treated in § 49, from agricultural or other manufactories, or similar institutions, which exist in the neighbourhood, objects of a nature and in a quantity which would be destructive to fishing, or in a definite degree would injure it, unless the proprietors of these factories themselves hold the fishing rights, or are able to prove that no complaint has ever been made about such a use of the water.

§ 53.

In the waters referred to in § 49, so far as the taking of fish demonstrably is not solely to provide hatching stations with fertilised spawn or for a scientific purpose, it shall in future be forbidden to fish in any form whatever for—

Salmon, trout, or salmon-trout from December 1 to February 1;
Gwiniad from January 1 to February 1;
Pike and perch in the month of March;
Bream in May;
Crabs in June;

as well as during the periods indicated to set or allow to remain standing anything calculated to catch the fish mentioned, &c.

Alterations in these close-times can be fixed in the regulations described in § 55, but never in such a form as to make the close-time shorter, and not displacing them beyond 30 days on either side.

Except the rules given in the present paragraph, rules about water-courses and other waters are to be found in § 50, paragraph 3.

In the waters named in § 49 it is permitted, in spite of law No. 61 of the 1st of April 1871, § 7, to set otter-traps.

§ 54.

When one or more persons who have the right to fish in a particular water, in which several persons have the right to fish each in front of his own property, consider that it would be an advantage to the fishing in that water to have it arranged on a common basis of procedure, that person is permitted to draw up a schedule of the special regulations he advises. If this proposal is accepted by a majority of the interested parties, and the rights of this majority cover more than half of the fishable water under consideration, the proposal shall be submitted to the proper local authorities, or, if the fishing extends over several local districts, to the Home Minister, who, if the proposal is approved, shall adopt it and make its regulations binding on all persons fishing in that particular water. In the same way, any alterations in or additions to the regulations are to be dealt with.

The regulations shall contain a direct statement of the extent of waters with which they deal, and shall also state in what instances they govern the waters 100 fathoms and in which 50 fathoms outside the mouths of rivulets and brooks, whether these mouths are natural or artificial. Besides this, so far as care is taken to keep within the directions of this law, the regulations may

contain explanations of the mode in which the local fishery should be conducted, what gear should be used, and what is forbidden, how these forms of gear should be constructed, the times for plying different fisheries, the procedures of inspection, and any other information of a practical kind which may be considered likely to be useful to the persons concerned. In connection with the last item, it must always be borne in mind that the locally elected fishery inspectors have exactly the same authority as the official fishing-bailiffs mentioned in § 43.

§ 55.

Changes in such local arrangements as mills, factories, and such like, in their relation to waters in which fish are found, are to be brought before the Land Commissioners, who will decide whether these alterations would or would not affect the fish in such a way as to injure the property of the owners of the fishing. If the latter, the Commissioners have to decide whether the alterations can be permitted, and, if so, what compensation is to be paid, and to whom. All such questions, and appeals from the decisions, shall be dealt with in accordance with the law concerning the constitution and powers of Land Commissioners and High Commissioners of December 30, 1858. The Comptroller of Fisheries may be summoned to act as a member of the Commission, but without a vote.

III.—GENERAL PROHIBITIONS, PUNISHMENTS, TREATMENT OF CASES, &c.

§ 56.

Fish fry and immature fish which are caught can only be used as food for man. The purchase and sale of the same, except when the take is caught for bait, or fish for breeding, or to be exchanged from one hatching station to another, is forbidden.

This prohibition includes:—

Eels, pike, and salmon which measure less than 12 inches;

Cod, whiting, plaice, turbot, brill, bream, tench, trout, and gwiniad which measure less than 8 inches;

Dab, flounder, perch, and bleak, which measure less than 6 inches;

measured from the point of the fore-snout to the root of the caudal fin.

§ 57.

There must be no trading in the fish described in § 53, nor in crabs or lobsters, if the intending sellers become aware of the fact that they have been caught in waters and at times when the capture of them is forbidden.

§ 58.

Infractions of the regulations of this law, as well as of the fishing rules described in § 6, will be punished, if the offence does not entail a still heavier punishment, with fines of from 10 to 400 crowns. With a similar punishment, but in no case with a smaller fine than 20 crowns, will be punished the offence of fishing without permission in another man's waters, or at a place where another man has the right either to the entire fishing or to that particular species of fishing, so that the rules laid down in § 31 are disobeyed.

With regard to the regulations mentioned in § 54, infractions of these can be punished with fines of from 2 to 100 crowns, which are paid into the poor box of the parish in which the offence was committed.

Fines charged for infractions of the byelaws and of § 31 are paid into the treasuries of the respective counties and market towns. All other fines in this law are paid to the State Treasury.

If the infraction consists in the use of fishing gear which is either wholly or in part unlawful, this or the unlawful part of the same is to be confiscated to the treasury to which the fine is due. The confiscation shall also take place when the case is settled without coming into court.

Unlawful fishing on Danish maritime territory (§ 1, paragraph 2) shall, besides fines as arranged above, lead to the confiscation of the take and all the tackle used to capture it with.

§ 59.

The person who, without permission, has fished in another man's water or at places where another man has the exclusive right to fish, either on the whole or as regards that particular kind of fishing, shall, besides compensating for whatever damage he has done, be obliged to pay him the value of the fish caught, unless they can in an uninjured state be handed over to him, or, in case no estimate can be formed of the value of the take, for every time on which a species of gear has been unlawfully used: 5 crowns when it is a bow net; 10 crowns when it is a fastened form of net; 20 crowns for each time a loose kind of gear has been used.

§ 60.

Infractions of the rules laid down in Section I. § 2, 3, 4, 6, 10, 20 (beginning of section) and 29, as well as in Section II. and the regulations therein discussed, can only be complained of by the private person or persons injured—in the last case by the proprietors of the banks of the piece of water—and tried as private police cases. Infractions of the other rules contained in this law, and of the byelaws mentioned in Section I., Chap. 4, *see* Chap. 3, § 21, may be complained of on public grounds and be treated as public police cases.

§ 61.

If there arise complications in the trial of a private case which make it desirable to give it the wider scope of a public case, the private person engaged is at liberty to request that it should be treated as a public police case.

Complaints on points involved in this law cannot be entertained when a year has passed since the offence was committed.

§ 62.

If any one of the officials enumerated in Section I., Chap. 5, is called upon to make an affidavit in the course of one of the public cases, the respective comptroller for himself or his employés may fix on the most convenient court for taking the oath, and may require him to proceed there, but the person referred to should have 14 days' warning of the hearing of the oath.

§ 63.

This law, which is not binding in the Faröe Islands, comes into force on the 1st of January 1889. At that time all other and earlier laws regarding national and local fisheries shall, in so far as they differ from this law, be cancelled. [Here follows a list of Laws.]

Given at Amalienborg, April 5, 1888,
Under our Royal Hand and Seal,
CHRISTIAN R.

No. 3.

Iceland.

ICELAND AND FARÖE ISLANDS.

MR. ALAN JOHNSTONE to the MARQUIS OF SALISBURY.

Copenhagen,
March 26th, 1900.

MY LORD,

WITH reference to the late Sir E. Fane's despatch to your Lordship, No. 8, Commercial, of the 27th ultimo, respecting fishery legislation in Denmark, I have the honour to transmit herewith copy of a note (with its enclosures in original) from Admiral Ravn, forwarding the laws in force in Iceland and the Faröe Islands on the above subject.

I have, &c.
(Signed) ALAN JOHNSTONE.

Enclosure 1 in No. 3.

MONSIEUR LE CHEVALIER, Copenhague, le 19 mars, 1900.

ME référant à ma lettre du 23 du mois passé relative aux mesures prises contre la destruction de poissons et crustacés de trop petite taille (under-sized and immature fish) j'ai l'honneur pour ce qui regarde l'Islande de ci-joindre un exemplaire des lois suivantes:

(1) la loi du 12 novembre 1875 concernant l'emploi de filets à morues dans la baie de Faxe;

(2) la loi du 14 décembre 1877 dont les §§ 1 et 6 autorisent l'administration locale à publier des réglements pour l'exploitation de la pêche au moyen de barques ouvertes;

(3) la loi du 19 février 1886 sur la protection des saumons. Le § 5 regardant les outils permis pour prendre des saumons s'applique non-seulement dans les rivières mais également dans la mer devant leurs embouchures. Je dois mentionner en outre la loi défendant la pêche au chalut du 6 avril 1898 que vous connaissez déjà.

Quant aux îles de Faroe j'ai l'honneur de vous adresser sous ce pli un exemplaire de

(1) la loi en matière de pêche du 14 avril 1893;

(2) la loi du 14 avril 1893 sur la protection des moules, et de porter particulièrement votre attention sur les §§ 1 et 13 de la première et sur le § 1 de la dernière de ces lois. Je cite encore la défense de la pêche au chalut contenue dans la loi que vous connaissez déjà, du 14 janvier de l'année passée § 1*.

Je saisis, &c.,
(Signé) KRAG,
(pour le Ministre).

Sir E. Fane,
&c., &c., &c.

TRANSLATION of LAWS referred to in No. 3.

Law of November 12, 1875, on the laying out of cod nets in Faxe Bay.

§ 1.

Up till the 14th of March every year it is forbidden to lay out cod nets anywhere in Faxe Bay.

§ 2.

For infractions of § 1, the tackle and fish taken shall be confiscated, and while the take falls to the captors, the tackle, as well as floats, balls, buoys and buoy

* Translation appended (*infra*, p. 32).

ropes, are to be sold at public auction, and the result paid into the treasury of the parish in which the person is resident.

LAW OF DECEMBER 14, 1877, WITH REGARD TO VARIOUS POINTS CONNECTED WITH FISHING FROM OPEN BOATS.

§ 1.

The management of the syssel is empowered to fix byelaws with regard to various points connected with fishing from open boats, in the manner and within the rules and limitations which the present law lays down.

§ 2.

When the authorities of a syssel find it necessary or desirable to lay down a byelaw either for the whole syssel or for a portion of it, a public meeting must be called within the district concerned, and at this meeting all inhabitants of the district who can act as electors to the Althing, have votes. The authorities fix the place and date of the meeting. The Sysselman presides at the meeting, or in his absence one of the members of the council. If the chairman has to come from a distance he can charge two crowns a day for maintenance, to be paid out of the treasury of the syssel.

§ 3.

If a market town happens to lie within the borders of the district, three of its town council shall act with the syssel authorities whenever any discussion is undertaken with regard to the proposed byelaws. These men shall be invited to all the meetings at which this subject is to be discussed, and shall have the same voting power in deciding as the syssel authorities themselves.

The inhabitants of a market town have the same opportunities as inhabitants of the syssel in attending and voting at the meetings described in § 2.

§ 4.

In these public meetings, the authorities of the syssel shall give every opportunity for discussion of such byelaws as they wish to see fixed.

The proposal for a byelaw is considered accepted by the meeting if two-thirds of the votes are given in its favour. The chairman must then send the proposal to the Amt for confirmation. But if any amendments have been carried at the meeting, these must be made in the proposal before it is sent in to the Amt. If the authorities of the syssel object to these amendments, they can call another meeting to present their objections to the inhabitants of the district, and invite them to vote anew on the proposal. In any case, two-thirds of the votes given is a decisive majority. If an amendment is rejected, it must not be brought up again until a year is past.

§ 5.

If the Amtman is of opinion that the proposals sent in to him trend upon the privileges of a third person or limit too severely freedom of action in the obtaining of food, &c., he may refuse to pass the proposal, and may send it back to the authorities of the syssel, with a statement of his objections. If he objects to nothing, he will confirm the byelaw, which shall from that moment be binding on everybody concerned, that is to say, on all who in that district carry on fishing in open boats, whether domiciled in that district or not.

§ 6.

Clauses may be introduced into the byelaws with regard to points which are of importance to those fishing in open boats in that district in which the byelaw is enforced, such as what tackle and what bait may be used at such a place and at such a time of year, also how far lawfully, and without weather or other conditions making it necessary to do so, one can let tackle and nets

lie in the sea all night, and what rules should be observed in the laying out of lines and nets so as not to interfere with the movements of shoals of fish too much, &c. The byelaws, moreover, may lay down rules regarding the sinking of fish-food and fish cuttings in the sea.

Also the byelaw may lay down rules forbidding the flensing of sea-calves from open boats during a shorter or longer period.

Every byelaw should be drawn up with precise language, explaining all its intention without possibility of misapprehension.

§ 7.

For infraction of an authorised byelaw, fines of from 1 to 100 crowns can be charged, these sums can be paid into the poor-box. The person who gives information can be paid up to half the fine.

§ 8.

Infractions of the byelaws shall be treated as police court cases.

ICELANDIC LAW REGARDING A CLOSE TIME FOR SALMON.

§ 1.

Salmon fishing in the sea, rivers, and lakes may only be carried on during three months every summer. The syssel authorities in each district shall decide when the fishing time is to begin and to end. During this fishing time there shall be a close time for salmon of 36 hours each week, or from 9 p.m. on Saturday evening to 9 a.m. on Monday morning, and then all salmon nets shall be taken up and all fishing apparatus stand open, in order to let the salmon have free circulation. The nets which are so constituted that salmon cannot fix themselves in them are to be counted as fixed fishing apparatus.

§ 2.

No one must lay out nets or use dams or other fixed fishing apparatus in a stream further out than to the middle of the same, and this only when the other half of the stream is not less deep than that which is close.

If it is desired to put out nets from both sides of the stream, or to place dams or other fishing apparatus, there shall always be down the entire length of the stream a middle passage clear of 30 fathoms between the fishing contrivances. If only one proprietor has fishing rights in a stream, he may be allowed to use cross-lines, but if the stream flows in several branches no one may cross-line one of these unless the salmon pass in greater numbers up one of the other branches, and also under the supposition that he alone has fishing rights in that branch of the stream.

§ 3.

No one may lay out nets or fishing contrivances in lakes or the sea at the mouths of rivers where there are salmon so as to hinder the passage of the fish. "Wet-dragging" (?) shall be allowed in streams, but only in the time from 9 a.m. to 9 p.m., and in the mouths of streams only before the height of every other high tide. Salmon fishing may be carried on with salmon-poles, but not with stabbing-sticks (?) or chopping-hooks (?). Salmon can be fished at any time in the year for specifically scientific and breeding purposes.

§ 4.

Anyone may shoot at and scare away seals in any streams and estuaries where there are salmon. But the particular breeding places for seals, which are under the protection of the Althing, may not be disturbed on this pretence.

§ 5.

No nets or contrivances in which small salmon can be caught may be used. The meshes in salmon nets must in a wet state never be less than 9 inches in circumference. No net may be doubled.

Every contrivance used in fishing for salmon must be provided with two large openings, so that no salmon which is less than 9 inches in circumference may be stopped in it. If the contrivance is provided with a grating the divisions shall be perpendicular, and between them there must be at least $1\frac{1}{2}$ inches.

§ 6.

When the majority of the persons who have fishing rights in a stream wish to combine to secure a further close time than that which is obligatory, they must make an application to the authorities of the syssel, who shall see that no one's privileges are tampered with, and then shall lay down the needful regulations. In such cases the main stream and all rivulets flowing into it, up which salmon can pass, shall be treated as one stream.

§ 7.

The syssel authorities are empowered to make additional regulations on points of a strictly local nature, always taking for granted that these do not interfere in the slightest degree with the principles regarding the protection of salmon on which this law is based. Such local regulations shall be submitted to the Amtmann, and, if he passes them, they are binding for 10 years.

§ 8.

Infractions of this law are punished by a fine of not more than 100 crowns. All illegal catches and tackle shall be confiscated; half the fines go to the informer, and half to the parish box, &c.

§ 9.

Cases proceeding out of infractions of the present law or byelaws are public police cases.

§ 10.

The regulations in Chapter 56 of "Jonsbogens Landslejebalk," regarding fisheries in streams, are hereby cancelled, as well as the law, containing an appendix to these regulations, of the 11th of May 1876 with regard to the close time for salmon.

All concerned will please take notice.

Given at Amalienborg, February 19, 1886.

Under our Royal hand and seal,

CHRISTIAN R.

ICELANDIC FISHERIES LAW OF APRIL 1898.

We, Christian IX., &c., &c.

The Althing has adopted, and We have ratified with Our consent, the following Law :—

Article 1.

Fishing by means of trawls is prohibited within the territorial waters of Iceland.

Article 2.

Breaches of Article 1 are punished by fines of 1,000 to 4,000 kroner, which go to the Icelandic Treasury, and all the fishing gear, including the drag-ropes

ICELAND. and all the catch on board shall be forfeited, and the proceeds thereof shall go to the Treasury. The ship may be seized and sold, after legal execution, to cover the fine and expenses.

Article 3.

If a fishing vessel is found within territorial waters with a trawl on board, although not engaged in fishing, it renders itself liable to a fine of from 200 to 2,000 kroner to the Treasury; should the same vessel be found a second time in territorial waters with such gear on board, it will be treated according to Article 2. These penalties shall not, however, be enforced in the following cases:—

(1.) When vessels are in distress, in which are included vessels seeking harbour on account of want of provisions or coal.

(2.) When vessels are on their way to the fishing grounds, or from one fishing ground to another through the passage between the Westmann Isles and the coast of Iceland, or between Reykjanes and the Fuglasker Rocks, although within territorial limits, provided they do not stop.

(3.) When vessels are considered to have entered territorial waters unintentionally or in ignorance, owing to currents, or weather, or fog obscuring the land.

When ships seek the land to obtain provisions or coal or pursue the course described in (2) aforesaid, the above exceptions are only allowed if all the fishing gear is stowed away on board while the ship is in territorial waters.

Home-owned (Icelandic or Danish) trawlers are at liberty to seek the land in order to discharge their fish, and to procure water and other necessaries under all circumstances, but their fishing gear must then also be stowed away.

Article 4.

Cases which arise out of breaches of this law shall be treated as public police cases.

Article 5.

Laws No. 13 of the 9th of August 1889 and No. 24 of the 10th November 1894 are repealed.

To which all whom it may concern must conform.

Given at Amalienborg, 6th April 1898.

FARÖE ISLANDS.

FISHERY LAW FOR THE FARÖE ISLANDS, APRIL 14, 1893.

§ 1.

In rivulets and brooks, as well as for 50 fathoms in front of their outflow on the shore, so far as the catch is not made precisely for the purpose of supplying breeding establishments with living spawn, or for a scientific purpose, it is forbidden to fish in any way whatever so as to catch salmon-trout or trout from the 1st of September to the 1st of January. If circumstances should make it desirable, a smaller distance from the mouths of brooks and rivulets, than that laid down above, can be permitted at the request of the Lagthing, supported by a decision of the Minister of Justice.

When the fish named above have taken up their abode, it is forbidden for the riparian proprietor or anybody else to injure the bank of the stream or to dig it away in such a manner that the hiding places or sporting places of the fish shall be disturbed. This rule does not, however, come into force when the cutting away of the water's edge is done for purposes of surface drainage, or any similar purpose of necessity.

No one may set out nets, or dam up the water, or put any fixed fishing contrivances in a brook in such a way as to prevent the fish from passing up and down, nor in any case further out than the middle of the stream.

If nets or fishing contrivances are brought out from both sides, either exactly opposite each other or at a shorter distance than 20 ells from one another, neither of them must be brought nearer to the middle of the stream than so as to leave an open space of at least 3 ells, or, if the brook is not 9 ells broad, at least one-third of its breadth.

No one may use nets, in lakes, rivulets, or the mouths of rivulets, which in a wet state have a narrower mesh width than $1\frac{1}{4}$ inch from knot to knot.

All capture of salmon-trout or trout with nets, seines, or similar fishing contrivances in lakes, brooks, or within 50 fathoms outside the mouths of these latter on the shore is forbidden wholly for a period of five years from the proclamation of this law.

§ 2.

During the period from the 1st of July to the 31st of December everyone who has the right to fish on the Danish marine territory, without regard to whether he is proprietor of the foreshore, is allowed, in every part of the Faröe Islands, where tide flows onto the shore, except on registered reserves, to draw to land and keep coal-fish as a counterpart to the shore privileges by which the proprietor of the foreshore can claim one-eighth of the take.

The shore-part of the take can be claimed on the spot in *natura* by the proprietor or the lessee of the foreshore.

If it is not claimed in *natura* either on the spot where the catch is made or at the homestead of the men who have undertaken the fishing, within three weeks the fishermen must state the amount of their take and its market value, and must pay the shore part, which, however, if delayed until this time, is reduced to the value of one-sixteenth of the take.

In case of a question being raised as to where the tide touches the shore, three experts selected by the court shall decide the difficulty.

§ 3.

With regard to throwing seines after coal-fish in fjords, bays, and sounds where there is no tide, as well as in registered reserves, there must be special byelaws passed, which must embody together with the rules given in § 11, such special regulations as are necessary to protect the rights of particular inhabitants who possess the sole right of bringing coal-fish to shore along defined portions of the foreshore (comp. § 12).

§ 4.

In the places named in §§ 2 and 3, strangers may draw in coal-fish with seines if they can persuade at least half of the proprietors and guardians of the foreshore to permit them to do so.

§ 5.

Then, when anyone has the right to draw in a seine, the same person is understood to be allowed to keep boats and tackle ready for that purpose.

§ 6.

With regard to bringing herrings to shore, refer to N.L. [*sic*, ? sections] 5—11—16.

§ 7.

If the crew of a seine-boat do injury to farms or gardens, or commit any breach of the hunting law of the Faröe Islands of February 9, 1854, the similar law of November 21, 1871, and the law for the close time for eider fowl of March 29, 1887, or hinder the proper use of the ground, the Sysselman will settle the amount of damages to be paid. His decision is final, and the costs are to be paid by the crew of the seine-boat if the complaint is found to have been well founded.

§ 8.

Where a seine is cast, after rope has been given out and the seine began to be cast, no other kind of fishing tackle may be set within the space which the seine is ultimately to take up.

If, on the other hand, nets and tackle are already set out which will be a hindrance to the dragging or pulling of the seine, the seine fishermen are obliged to remove them or to drag the seine to shore, and as soon as possible to restore them uninjured to the owners without loss of any of the take.

If there is any dispute about this, it is to be settled as in § 7.

§ 9.

Where several parties are watching coal-fish or herrings, that one has a right to the cast which first lets go the rope and begins to throw the seine, if he goes on doing so without unusual slowness, and in this no one may hinder him.

If two parties have began casting out at the same moment, if they cannot manage to distinguish their takes, they must agree to divide the whole haul, and if there is a difficulty about the shares they must settle it as in § 7.

§ 10.

Anyone who tries to hinder or prevent a seine fishery by stopping the seine from being thrown, or by shooting, throwing stones, &c., shall be punished in proportion to the amount of unlawful damage which he has managed to do, so far as he has not brought himself under the penalties of the general penal law.

§ 11.

For fishing in fjords, bays, and similar inlets of the sea, and in sounds where there is no tide, special byelaws will be passed as to the times when fishing can be carried on, what sorts of tackle can be used, &c., together with the relation between fishing and sailing (the anchorage of ships, &c.), as well as about the order of position while fishing.

Except in cases dealt with in § 3 of this law, these byelaws must contain nothing which would give certain persons privileges not enjoyed by others.

§ 12.

Models for these byelaws will be drawn up and sent round to the parochial authorities within the county jurisdiction of Thorshavn, and when accepted will be published on the doors of the churches 14 days before they come into force in the waters which form part of the boundaries of the particular hamlet.

Appeals against the model of the byelaw must be sent in in writing to the chairman of the parish council. After a parish council has once passed a byelaw, it is sent to the Sysselman, who will publish it in the usual form in Thorshavn and in the county at the next public meeting of parishioners. After having thus given public notice, at the meeting he calls for an expression of opinion and if two-thirds of the voters present agree with the byelaw, the Sysselman sends it in to the Lagthing. If not, he rejects it.

The byelaw can at any time be cancelled by the Minister of Justice with or without any repetition of the process by which it was originally passed. If the byelaw is wished to be altered, the method described above must always be observed.

§ 13.

Fishery with the trawl is forbidden in the marine territory of the Faröe Islands.

If the attention of the Minister of Justice is drawn to the fact that people are fishing with newly-invented tackle which can be considered injurious either

to fishery in general or to some other species of lawful fishery, he can issue a prohibition of the use of such tackle. This matter, however, will as soon as possible be made the object of definite legislation.

§ 14.

Infractions of the rules of this law are punished with fines of from 5 to 200 crowns, to be paid to the respective parish boxes by the law of February 9, 1883, with regard to alterations in the poor law of the Faröe Islands of March 22, 1855.

§ 15.

Fine cases under this law are treated as ordinary police cases.

§ 16.

Breaches of this law cannot be proceeded against after the lapse of six months.

All concerned will please take notice.

Given at Amalienborg, April 14, 1893,
Under our Royal hand and seal,
CHRISTIAN R.

LAW FOR THE PROTECTION OF MUSSELS IN THE FARÖES, APRIL 14, 1893.

§ 1.

In order to prevent the extinction or the destructive appropriation of mussels byelaws can be passed defining temporary rules as to the mode in which mussels may or may not be taken, and what kind of tackle may be used for that purpose. Also, if the condition of the mussels at a particular spot is very much reduced, or threatens to disappear, it can be laid down in the byelaw that all taking away of mussels at that spot is prohibited, although never for more than three years at a stretch.

The byelaws may be operative in one or several parishes, or at single spots, and at spots which are dry at low water no less than those which are always under water.

§ 2.

The byelaws suggested in § 1 will be drawn up by the local authorities of the parish in which the mussels are found, and when passed must be published by being affixed to the church door or in some other convenient way in every hamlet which wholly or partly lies within a radius of two Danish miles from the place where the mussels are found. The byelaws are to be supplied to the local authorities in each hamlet, and their duty is to let the byelaw be made known within two months of the moment when they received it.

If any one finds himself aggrieved by the proposed regulations, he must send in a written complaint within two months from the publication of the byelaw, to the parish authorities where he lives, and they, within three months of that time, shall send in the complaint with their remarks upon it to the central authority. There shall then be a report on the case made to the President of the Lagthing, who, after calling for further evidence, shall ultimately lay the matter before the Lagthing. If the Lagthing does not agree with the form of the byelaw, its objections will be referred to the local authorities. But if, on the contrary, the Lagthing sees fit to send the amended byelaw up to the Minister of Justice, his decision makes it law, without appeal, for the next ten years. If a byelaw is to be renewed, the same practice must be gone through.

§ 3.

The local authorities in every district in which the byelaw is in force must possess copies of it, and if it is not printed, they must pay someone to provide them with MS. copies. A copy of the byelaw must be kept open to the reference of any person in the district who desires to refer to it.

Notices of these byelaws must be inserted in all such newspapers in the Faröes as are authorised to insert public advertisements. The expense of these insertions must be paid by the parishes in which the mussels are found.

§ 4.

At the suggestion of the Lagthing, the Minister of Justice can grant to particular persons or companies the sole right of fishing for mussels for a space of 30 years at certain defined places where mussels have not hitherto been found.

The exact terms on which these rights are held will be laid down by the Minister.

§ 5.

Breaches of the byelaws referred to in this law are punished with fines of from 4 to 20 crowns.

Violation of any of the sole rights referred to in § 4 will be punished by fines of from 5 to 100 crowns, so far as the nature of the case does not in its essence call for a higher scale of punishment. Full compensation is required.

The fines are paid into the parish treasury, in accordance with the law of February 9, 1883.

Fine cases in connection with this law are treated as ordinary police cases, except that complaints brought in connection with the cases mentioned in clause 2 of the present paragraph are only taken up at the express wish of the plaintiff.

§ 6.

Infractions of this law can only be complained of within the period of six months after the acts complained of were committed.

All those concerned please take notice.

Given at Amalienborg, April 14, 1893.

Under our Royal hand and seal,

CHRISTIAN R.

LAW FOR THE FAROE ISLANDS CONCERNING THE PROHIBITION OF TRAWLING.

§ 1.

Trawling is prohibited in the territorial waters of the Faröe Islands.

§ 2.

Breaches of Section I. are punished by fines of 1,000 to 4,000 kroner to the Treasury, and all the fishing implements, including the cables that draw the trawl, and all the catch on board shall be forfeited and sold for behoof of the Treasury. The confiscated implements shall be made unfit for trawling. The ships may be arrested and sold after legal execution in payment of fines and expenses.

§ 3.

If a fishing vessel is found inside territorial waters with a trawl on board, although not engaged in fishing, it is liable to fines of 200 to 2,000 kroner to the Treasury. If the same vessel is found a second time in the territorial

waters with these implements on board it will be treated according to Section 2. These penalties shall not, however, be enforced in the following cases :— FARÖE ISLANDS.

(1.) When vessels are in distress, which includes vessels that require to seek a harbour on account of the want of provisions or coal.

(2.) When vessels are considered to have entered territorial waters unintentionally or in ignorance, owing to currents, or weather, or fog obscuring the land.

(3.) When vessels on the way to the fishing grounds, or going from one fishing ground to another, pass the Straits between the Islands without stopping.

The exceptions in favour of ships referred to in paragraph 3 of this section and of ships seeking the land to obtain provisions or coal, are only allowed on the condition that all the fishing gear is stowed away on board while the ship is in territorial waters.

Home-owned (belonging to the Faröe Islands or Danish) trawlers are always at liberty to seek the land in order to discharge their fish and to procure water and other necessaries, but their fishing implements must then also be stowed away on board.

§ 4.

Actions which arise out of breaches of this law shall be treated as public police actions.

§ 5.

This law shall come into force the 1st of February 1899.

No. 4.

FRANCE.

FRANCE.

SIR EDMUND MONSON to the MARQUIS OF SALISBURY.

MY LORD, Paris, March 27, 1900.

I HAVE the honour to transmit herewith to your Lordship a memorandum by Mr. Austin Lee, containing the information called for in your Lordship's Despatch No. 2, Commercial, of the 5th January last, with regard to the size of sea fish which may be legally caught or sold in France.

I have the honour to be, with the highest respect,
My Lord,
Your Lordship's most obedient humble servant,
(Signed) EDMUND MONSON.

Enclosure in No. 4.

MEMORANDUM.

Previously to the year 1862 there were special regulations as to the size at which different species of fish could be caught or sold: from 9 centimètres (about 3½ inches) for smelt, to 27 centimètres (about 10½ inches) for salmon and cod.

The Decree of the 10th May 1862, however, which is applicable to and now in force in all France, alters the previous legislation. Article XI. of this Decree runs as follows :—

"It is forbidden to fish, salt, buy, sell, transport, or employ for any purpose whatever—

"(1.) Fish under 10 centimètres (nearly 4 inches) in length, measured from the eye to the root of the tail, unless they are reputed

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migratory fish (poissons de passage), or that they belong to a species which when full grown does not reach this length.

"(2.) Lobsters and crayfish under 20 centimètres (nearly 8 inches) from the eye to the root of the tail.

"(3.) Oysters less than 5 centimètres (nearly 2 inches)."

The various congresses held lately in France with regard to maritime fisheries have called attention to the non-observance of the law, and the injury to the fisheries resulting from it.

The Congress of Dieppe in 1898 went so far as to suggest an international agreement as to the size of fish it would be lawful to catch and sell.

I transmit herewith a small fishing manual, which on pages 495–499 contains very complete information with regard to the size of nets which may be legally used for the capture of different species of fish.

(Signed) H. AUSTIN LEE.

Paris, March 27, 1900.

(*Extract.*)

MANUEL DU PATRON PÊCHEUR.

(Publié sous le patronage de L'Enseignement Professionnel et Technique des Pêches Maritimes.)

Police de la Pêche cotière proprement Dite.

Mesures destinées à assurer le libre exercice de cette pêche.—Les préfets maritimes fixent, par voie d'arrêtés, les mesures de police, d'ordre et de précaution propres à empêcher tous accidents, dommages, avaries, collisions, etc... et à garantir le libre exercice de la pêche côtière. En dehors de ces mesures, variables suivant les localités et que le cadre de cet ouvrage ne nous permet pas d'indiquer, il existe un certain nombre de règles générales auxquelles tous les pêcheurs sont tenus de se soumettre. Voici les principales :

1° Les lettres et numéros inscrits à l'avant et sur la voile des bateaux doivent être reproduits sur les bouées, barils et instruments de pêche.

2° Il est interdit aux bateaux arrivant sur les lieux de pêche de se placer et de jeter leurs filets de manière à se nuire réciproquement ou à gêner ceux qui ont déjà commencé leurs opérations.

3° Il est interdit aux pêcheurs d'amarrer ou de tenir leurs bateaux sur les bouées, filets ou attirail de pêche d'un autre pêcheur ; de crocher, soulever ou visiter les engins de pêche qui ne leur appartiennent pas.

4° Tout bateau pêchant aux cordes à plus de six milles au large doit se tenir sur ses lignes, soit en mouillant, soit en mettant en panne.

5° Quand des filets appartenant à différents pêcheurs viennent à se mêler, les propriétaires de ces filets ne peuvent les couper, à moins de consentement mutuel, qu'après avoir reconnu l'impossibilité de les séparer par d'autres moyens.

De même, quand un bateau pêchant aux cordes, croise ses lignes avec celles d'une autre embarcation, le patron qui les lève ne doit pas les couper, à moins de cas de force majeure et, dans ce cas, la corde coupée est immédiatement renouée.

6° Les filets et engins dormants doivent être signalés au moyen d'un flotteur (plateau de bois ou de liège, bouée...) supportant une hampe de 1 m. 50 de hauteur, à l'extrémité de laquelle est fixé un carré de toile noire (1er arrondissement maritime) ou blanche (partout ailleurs) de 0 m. 30 de côté. La présence des filets doit être signalée par deux de ces appareils, un à chaque extrémité ; il suffit d'en placer un seul au point de mouillage des engins isolés, tels que paniers, casiers, etc. Les pêcheurs qui ne se conforment pas à ces prescriptions, s'exposent à n'obtenir aucune indemnité en cas d'avaries causées à leurs engins par un navire de passage.

Mesures destinées à assurer la conservation et la reproduction du poisson.—Au-delà de 3 milles de la laisse de basse mer, la pêche est libre et nos marins peuvent s'y livrer comme et quand bon leur semble, à condition toutefois de se conformer, dans certains parages (Manche, mer du Nord), aux règles de police internationale dont il sera question plus loin, et, s'ils opèrent dans le voisinage des côtes étrangères, de respecter la zone de trois milles de large, appelée mer

territoriale, dans laquelle la pêche est interdite à tous autres qu'aux sujets de l'État riverain (1).

En deçà de 3 milles de la laisse de basse mer, c'est-à-dire dans la mer territoriale française, la pêche ne peut être exercée que dans les conditions ci-après :

1° Les filets fixes, à simple, double ou triple nappe, et les filets à poche dont les mailles ont au moins, 25 millimètres en carré (2), peuvent être employés partout, sauf dans les fleuves, rivières, canaux et à leurs embouchures.

2° Les filets flottants, auxquels sont assimilés les filets fixes dont la ralingue inférieure est élevée au-dessus du fond d'au moins 20 centimètres, sont également autorisés ; à la différence des précédents, ils ne sont assujettis à aucune dimension de maille.

3° A l'exception de la grande senne à jet, permise partout pourvu qu'elle ait des mailles d'au moins 25 millimètres en carré, les filets traînants sont en principe interdits. Quand, en raison de la profondeur des eaux ou pour toute autre cause, le Ministre de la Marine en autorise l'emploi, ils doivent avoir des mailles d'au moins 25 millimètres en carré et ne peuvent, en aucun cas, être employés à moins de 500 mètres des huîtrières.

4° Les filets et engins destinés à des pêches spéciales, comme celles des anguilles, des chevrettes, des lançons et poissons de petites espèces, ne sont assujettis à aucune condition de forme, de dimension, de poids, de distance ou d'époque ; mais l'emploi doit en être déclaré aux agents de la marine et s'ils sont employés autrement, ils sont considérés comme prohibés.

5° La pêche, par quelque procédé que ce soit, est interdite dans les espaces réservés ou cantonnements établis, par décrets, sur certains points du littoral, pour sauvegarder la reproduction des espèces comestibles.

6° Les poissons de moins de 10 centimètres, les homards et les langoustes de moins de 20 centimètres (les uns et les autres mesurés de l'œil à la naissance de la queue), les femelles grainées des homards et des langoustes, les huîtres au-dessous de 5 centimètres, les moules au-dessous de 3 centimètres, les œufs ou, pour employer l'expression des règlements, le frai de tous les poissons et crustacés, ne peuvent être pêchés, transportés, achetés, vendus, ni employés à un usage quelconque, notamment comme appât (3).

7° Il est défendu : d'attirer le poisson, la nuit, au moyen de feux, — de l'épouvanter en battant ou troublant l'eau, pour qu'il donne dans les filets, — de le détruire au moyen d'armes à feu ou de substances explosives, — de jeter dans l'eau des substances telles que la chaux, les noix vomiques... etc..., propres à l'appâter, à l'enivrer ou à l'empoisonner.

8° Tous pêcheurs, voituriers, négociants, etc... doivent, à première réquisition, laisser visiter par les agents de la police des pêches, leurs bateaux, voitures, mannes et autres objets servant au transport du poisson ou du coquillage.

Les règles qui précèdent subissent, en ce qui concerne la pêche des huîtres, certaines modifications que nous devons indiquer sommairement :

Les gisements huîtriers se divisent, au point de vue de leur exploitation, en trois catégories : 1° les bancs situés à plus de 3 milles de la côte, qui peuvent être exploités du 1er septembre au 30 avril (4) ; 2° les bancs situés à moins de 3 milles de la côte et classés (c'est-à-dire accessibles en bateau et délimités au moyen d'alignements, de perches... etc...) qui ne peuvent être mis en exploitation, entre le 1er septembre et le 30 avril, qu'aux dates fixées par arrêtés des préfets maritimes ; 3° enfin les bancs situés à moins de 3 milles de la côte mais non classés, dont l'exploitation est impossible en bateau et qui sont abandonnés à la cueillette des riverains.

Du 1er mai au 31 août, c'est-à-dire pendant la période d'interdiction générale de la pêche, il ne doit y avoir à bord des bateaux aucune drague ou autre instrument propre à pêcher les huîtres.

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(1) Par exception, la zone réservée ou mer territoriale norvégienne est d'environ 4 milles, exactement 7.500 mètres.

(2) Il est prescrit aux agents de la marine de ne vérifier le maillage des filets que quand ceux-ci sont imbibés d'eau.

(3) Il est néanmoins permis d'employer, pour la pêche de la sardine, de la rogue (œufs de morue salés), à condition qu'elle soit de bonne qualité ; celle qui ne remplirait pas cette condition serait considérée comme appât prohibé.

(4) Depuis quelques années la pêche sur les bancs de la Manche est permise jusqu'au 15 juin, à la demande du Gouvernement anglais.

Qu'ils opèrent en deçà ou au delà de 3 milles, les pêcheurs doivent immédiatement rejeter à la mer, les sables, graviers et fragments d'écailles, ainsi que les petites huîtres au-dessous de 5 centimètres, et s'abstenir de jeter sur les bancs du lest ou des immondices. Il leur est en outre interdit de pêcher avant le lever et après le coucher du soleil.

Bien que, d'après ce qui précède, la pêche des huîtres soit interdite partout (même sur les bancs non classés) pendant quatre mois de l'année, la vente, l'achat, le transport et le colportage de ces mollusques sont autorisés en tout temps.

Toutes les contraventions aux règles que nous venons d'exposer, sont poursuivies et réprimées dans les conditions indiquées au tableau d'autre part :

CONTRAVENTIONS À LA POLICE DE LA PÊCHE CÔTIÈRE.

Contraventions.	Peines Encourues.	Observations.
I° Emploi d'appâts prohibés.	Amende de 50 à 250 francs à laquelle peut être ajouté un emprisonnement de 6 jours à 1 mois.	Les poursuites ont lieu devant le tribunal correctionnel dans les trois mois qui suivent le jour du délit ; passé ce délai, le contrevenant ne peut être inquiété.
II° Fabrication, détention, mise en vente ou usage de filets et engins de pêche prohibés ; Contravention aux règlements ayant pour objet de prévenir la destruction du frai ou d'assurer la conservation et la reproduction du poisson et du coquillage ; Usage d'un procédé de pêche interdit ; Pêche, transport, mise en vente ou emploi à un usage quelconque de frai, de poisson ou de coquillage au-dessous des dimensions réglementaires.	Amende de 25 à 125 francs *ou* emprisonnement de 3 à 20 jours. La peine est double quand le transport de frai ou de poisson n'ayant pas les dimensions réglementaires a lieu par bateaux, voitures ou bêtes de somme.	Les filets et engins prohibés sont saisis par l'agent verbalisateur pour être représentés, s'il y a lieu, au tribunal. En cas d'acquittement, ils sont restitués à leur propriétaire ; en cas de condamnation, ils sont détruits par les agents de la Marine. Toutefois, les engins qui n'ont été saisis qu'en raison de leur emploi à une pêche autre que celle pour laquelle ils avaient été déclarés, peuvent être restitués à leurs propriétaires, si ces derniers sont dignes d'indulgence.
		Le poisson pêché en contravention est également saisi et vendu sans délai ; le prix en est confisqué en cas de condamnation.
		L'individu reconnu coupable de plusieurs des infractions énumérées ci-dessus est condamné à la peine la plus forte de celles qu'il a encourues.
		En cas de récidive, c'est-à-dire quand, au cours des deux années précédentes, le délinquant a déjà été condamné pour délit de pêche, le tribunal prononce le maximum de la peine et peut même doubler ce maximum.
III° Pêche en temps ou lieux prohibés ; Infraction aux mesures d'ordre ou de police prescrites pour la pêche en flotte ; Refus de se prêter aux visites et perquisitions des agents chargés de la police de la pêche.	Amende de 5 à 100 francs *et* emprisonnement de 2 à 10 jours.	Les condamnés pour délit de pêche qui n'ont pas subi de condamnation antérieure *à la prison* pour crime ou délit de droit commun, peuvent être admis, par le tribunal, au bénéfice de la loi du 26 mars 1891 (loi Bérenger) ; dans ce cas, la peine qu'ils ont encouru n'est exécutée que si, dans les cinq ans qui suivent, ils sont poursuivis et condamnés *à la prison* pour crime ou délit de droit commun.
		En cette matière comme en toute autre, les condamnés peuvent solliciter du président de la République une remise ou tout au moins une réduction de peine.
IV° Toute autre contravention aux règlements de police de la pêche côtière.	Amende de 2 à 50 francs *ou* emprisonnement de 1 à 5 jours.	

No. 5.

GERMANY.

SIR FRANK C. LASCELLES to the MARQUIS OF SALISBURY.

MY LORD, Berlin, March 3rd, 1900.

IN answer to your Lordship's despatch No. 2, Commercial, of the 5th January, I have the honour to transmit herewith a copy of the German Sea Fishery Almanack for 1899, which is published by the German Sea Fishery Society.

Baron von Richthofen, in forwarding to me the above publication, points out that the various Laws, Ordinances, and Regulations concerning the taking of fish, which are in force in the sea-board States of the Empire, are contained therein (pages 236 to 390), and adds that the fullest details are also given concerning the size at which fish can be taken, and the measures in force for the protection of immature fish.

I also beg to enclose a Memorandum, drawn up by Mr. Acton, showing the tenour of the above Regulations on the points especially referred to in your Lordship's despatch under reply.

I have, &c.
(Signed) FRANK C. LASCELLES.

Enclosure 1 in No. 5.

MEMORANDUM.

The Regulations in force in the Maritime States of Germany, relative to the protection of undersized or immature fish, are governed by the Prussian Fishery Acts of May 30th, 1874, and March 30th, 1880. These contain the following general provisions :—

By §24, fish, the taking of which is prohibited on account of their insufficient length or weight, must, if caught alive, be immediately restored to the water.

§26. If the taking of fish under a certain length or weight is prohibited, such fish must be neither offered for sale, sold, nor otherwise conveyed to other persons within the district affected by the prohibition.

§27. In the interests, however, of scientific research, or of experiments of public utility, and for the purposes of pisciculture, the authorities may grant exemptions from the prohibitions contained in §§24, 26.

§51. Offences against the provisions of §§24, 26 of the present law will incur a fine not exceeding ninety marks, or imprisonment not exceeding four weeks.

In addition to the infliction of the above penalty, the Court will have the power to order the confiscation of any fish illegally offered for sale, sold, or otherwise disposed of, without regard for the fact whether they are the property of the offender or not.

The provisions of the above-mentioned Laws have been enforced by the publication of Decrees in the following maritime and riparian State and Provinces. The Provinces of East Prussia, West Prussia, and Pomerania, Schleswig Holstein, and Hanover; the Grand Duchies of Mecklenburg Schwerin and Mecklenburg Strelitz; the Free and Hanseatic Cities of Hamburg, Bremen, and Lübeck; the principality of Lübeck and the Duchy of Oldenburg.

The regulations bearing upon the question under reply are practically uniform in the States and Provinces possessing large sea-boards, so far as the species and size of the fish, and the penalties incurred by transgression, are concerned. The following provisions of the Decree issued for East Prussia on August 8th, 1887, may therefore be considered as typical of the legislation in force in Germany for the protection of immature or undersized fish :—

§1. 1. Fishing for spawn and brood fish (fry) is prohibited.

GERMANY.

2. Fish of the following species may not be caught, unless they measure the following minimum lengths from end to end :—

	Centimetres.
Sturgeon (Acipenser Sturio)	100
Salmon (Salmo Salar)	50
Salmo Maraena (Coregonus Maraena Bloch)	40
Eel (Anguilla vulgaris Fleming)	35
Perch-pike (Lucioperca sandra Cuv) Bream (Abramis brama) Salmon Trout (Salmo trutta) Carp (Cyprinus Carpio) Shad or Chad (Clupea finta) Aspius Rapax (? Rudd) Barbel (Barbus Fluviatilis)	28
Pike (Esox Lucius) Lavaret (Coregonus oxyrhynchus vel lavaretus) Nose-fish or broad-snout (Chondostroma nasus) Chub (Leuciscus idus) Tench (Tinca vulgaris)	20
Trout (Salmo Fario) Grayling (Thymallus vulgaris)	18
Half-bream? (Blicca björkna) Abramis vimba Plaice (Pleuronectes platessa) Flounder (Pleuronectes flesus)	15
Perch (Perea fluviatilis) Leuciscus Rutilus Red-eye (Scardinius erythrophthalmus)	13
Crucian (Carassius vulgaris) Coregonus albula	12
Craw-fish (Astacus fluviatilis)	10

§21. Offenders against the provisions of the present Decree, in so far as they are not affected by the Fishery Act of May 30th, 1874, or by the Criminal Code for the German Empire, will incur a penalty not exceeding one hundred and fifty marks, or imprisonment.

The Court may also order the confiscation of the fishing implements employed for the perpetration of the offence.

Berlin, March 3rd, 1900.

Enclosure 2 in No. 5.

LAWS, REGULATIONS, AND ORDINANCES IN FORCE IN THE MARITIME STATES OF GERMANY.

Kingdom of Prussia.

PRUSSIA.

Fishery Law for the State of Prussia, May 30th, 1874, and March 30th, 1880. (Code of Laws ("*Gesetz-Sammlung*"), 1874, p. 197 ; 1880, p. 228.)

We, William, by the Grace of God King of Prussia, &c., &c., with the assent of both Houses of the Diet of the Monarchy, decree as follows :—

Scope of Application of the Law.

§1. The following Fishery Law is applicable to all coast and inland fisheries in waters under our authority.

§2. For the purposes of this Law the catching of fish includes the catching of crabs, oysters, shell fish, and other aquatic animals fit for use, so far as they do not fall under the Hunting Law.

Wherever the expression "fish" is made use of in this Law, the above-mentioned animals are included therein.

§3. For the purposes of this Law "coast fisheries" are understood to include those fisheries which are carried on in those parts of the North Sea and the Baltic which are subject to our authority, in open bays, in gulfs, and at the mouths of the larger rivers.

For the purposes of this Law, "inland fisheries" are those which are carried on in other waters, and in rivers downwards to the point where coast fisheries begin.

The limits of coast and inland fisheries will be determined for each of the provinces concerned by a royal ordinance, after consultation with the representatives of the province.

§4. For the purposes of this Law, enclosed waters are :—

(1) all artificially constructed fish ponds, whether these be connected with natural waters or not;

(2) all waters not provided with a channel for the passage of fish;

if in these cases the fishing belongs to one authorised person.

Disputes on the question of whether waters are enclosed or not within the meaning of this regulation shall, unless legal proceedings be taken, be decided by the district authorities.

Restriction of Fishery Rights and Prevention of Irregular Fishing.

§5. Existing fishery rights are subject to the restrictive regulations of this Law.

Such rights as concern the use of certain specified means or fixed appliances for catching fish, dams, fences, traps for salmon and eel, fixed stationary nets (block-nets, &c.), may be further limited or completely suspended in non-enclosed waters upon full indemnification of the persons holding the rights.

Such further restriction or abrogation can be claimed—

(1) by the State in the public interest;

(2) by authorised fishermen and fishing associations in the upper or lower parts of waters if it is proved by them that these rights are prejudicial to the maintenance or improvement of the stock of fish, and are opposed to the economic pursuit of the fishing industry in the waters concerned.

The local committee of management (the local governing body) after hearing the parties concerned and examining experts shall decide upon such propositions [*i.e.*, as mentioned in (2)] upon complaint of persons holding rights or of fishery associations.

An appeal to the Minister of Agricultural Affairs against this decision may be lodged within three weeks of the announcement thereof.

The indemnification to be given, which, failing an amicable arrangement, must be determined in a court of law, must be borne, in case (1) as mentioned above, by the State, and in case (2), by those parties who have demanded the suspension of the rights.

The existing provisions concerning exemption from fishery services are not modified by the preceding regulations.

§6. Fishery rights which, without including any specified possession of land, have been hitherto enjoyed by all the inhabitants or members of a commune, shall in future belong to the political commune in their former extent.

§7. The right of carrying on inland fisheries in such waters as have hitherto been open to public fishing shall belong to the political communes within whose boundaries the waters lie.

If such waters form the boundaries of two or more communes without lying wholly or for the most part in the territory of one or the other, the communes shall enjoy equal rights in that part where their territories form a boundary to the waters.

Supplementary Clause.

(Law of the 30th March 1880. Code of Laws, p. 228.)

Article 1.—The rights granted in territory in which French law is in force, allowing all persons to carry on fishing with rod and line on rivers and navigable streams, are hereby annulled.

§ 8. Communes may only make use of the fisheries belonging to them through specially appointed fishers or by leasing.

Free donation of the fishing is not allowed.

The duration of leases must not as a rule be fixed at less than six years; exceptions to this regulation may be allowed by the inspecting authorities under certain circumstances.

The division of connected fishing waters belonging to a commune into separate leases requires the sanction of the inspecting authorities, who have to see that no un-economical parcelling-out of the fishery takes place.

The inspecting authorities are empowered to determine the number of permissible fishing appliances not to be exceeded in each district leased.

If two or more communes enjoy common rights over waters bordering on their territory, they may only make use of such waters for their common benefit.

If the communes cannot come to an agreement as to the method of use, the matter must be decided by the inspecting authorities.

Associations.

§ 9. For the purposes of regulated supervision and common measures for protection of the stock of fish, and also (so far as may be consistent with the prescriptions laid down in § 10) for the purposes of common management and use of the fishing waters, those persons holding fishing rights over a large connected area may by means of a statute to be approved by the sovereign, form themselves into an association, which is to be represented by a committee chosen by the remainder according to a rule of the statute.

The persons holding rights and, if one only of them disagrees, the authorities of the district or districts in which the association's territory lies are to be consulted as to the formation of the association and its statute, before this statute is sanctioned.

The notification of the royal decree then follows, according to the rule of the Law of 10th April 1872 [that is to say, in the official newspapers of the district].

In the event of the mutual agreement of all the persons concerned, the statute agreed upon may be sanctioned by the president of the government of the province concerned, or, if the district lies in several provinces, by the Minister for Agricultural Affairs.

§ 10. An extension of the objects of the association to the common management and use of fishing waters can only be obtained upon the motion of one or more of the parties concerned.

It is allowable—

(1) if all the other parties concerned holding fishing rights agree to it;

(2) in the case of inland fisheries and within the limits of non-enclosed waters belonging to the association, if the fisheries thereof belong exclusively to the owners of the adjacent land and independent fishing by the various neighbouring people is detrimental to an economical use of the waters as a whole. In this case the consent of the district authorities is necessary, should only one of the persons holding rights be in opposition.

If the parties concerned cannot come to an agreement as to the proportion of the division of the produce obtained from the common use of the fishery, the matter must be settled by a valuation of the various shares of the fishing waters. The statute of the association gives particulars as to this.

Under the same conditions [(1) and (2) above] a portion of the persons holding rights may form themselves into a smaller association within the main one (§ 9) for the common management and use of fishing waters.

Supplementary Clause.

§§ 100, 101 of the Law of the 1st August 1883, concerning the functions of the administration and of the administrative authorities.

The district (or town) administrative committee supervises associations formed under §§ 9 and 10 of the Fishery Law of the 30th May 1874.

If the association is of the opinion that any dispositions made for supervision purposes are in opposition to the statute or the law, it has the right of pleading orally before the administration.

In the event of disputes as to participation in the expenses of the associations formed under §§ 9 and 10, or if the right to shares of the produce and common use of the fishery should be disputed, the committee of the association must decide the matter.

An appeal to the district authorities against this decision may lie within two weeks. The decision of the town (or district) authorities is final.

Licences.

§ 11. Any person wishing to carry on fishing in the fishing grounds of other people holding rights, or beyond the limits of his own rights or beyond the limits of free fishery, must be furnished with a licence, drawn up and attested according to the prescriptions of the following paragraph, which licence he must always have with him for his identification when fishing, and must produce on demand of an inspector or the local police officials.

§ 12. Only the fishery owner and the fishery lessee are entitled to issue licences within the limits of the area over which they hold rights.

Where, in the fishing grounds of an association, there is common management and use of the fishery waters, the committee of the association takes the place of particular persons holding rights.

The licence must name the person, the water or waters for which it is issued, and the period specified, which must not exceed three years. It may contain restrictions with respect to the quantity and nature of the fishing appliances and the number of boats to be used for fishing.

Supplementary Clause.

(Law of the 30th March 1880. Code of Laws p. 228.)

Article 2. The number of licences (authorisation certificates), to be issued can be determined by the fishery inspectors in the case of non-enclosed waters.

§ 13. Fishery licences must be verified as follows:—

(1.) For fishing in waters belonging to the fishing grounds of an association—by the association's committee appointed for the administration of the fishery inspection (§ 9).

(2.) For fishing in other waters—by the local police authorities in whose district the licensee lives.

Fishery licences issued by public authorities, by a public official within his jurisdiction, by the committee of a commune, or by the committee of an association appointed for the certification of licences, are exempted from this rule, so far as nothing to the contrary is laid down by the statute as regards fishing grounds belonging to associations.

§ 14. The verification of the licence merely refers to the signature of the licensee, and contains no acknowledgment of the rights granted thereby.

§ 15. The certification of licences by local police authorities is free of stamp duty and costs.

In the case of fishing grounds belonging to associations, however, a charge, not exceeding 1 mark, for the certification of the licence may be made for the benefit of the association. The association's statute lays down further regulations on this point.

§ 16. Any person desiring to carry on fishing within the limits of his own rights, or as lessee, in non-enclosed waters (§ 4) must previously communicate with the inspectors (in fishing-grounds belonging to associations, with the

committee thereof), and he will receive from them, free of stamp duty and costs, a certificate, which he must always have with him when fishing.

§ 17. Assistants operating in the presence of the fishery owner, the lessee, or a licensed person, require no certificate.

§ 18. In the place of the preceding §§ 11 to 17, § 41 of the Fishery Ordinance of the 2nd July 1859 (C. of L. p. 453) "for those parts of the "Oder situated in Pomerania, the Haff and its outlets," and § 49 of the Fishery Ordinance of 30th August 1865 (C. of L. p. 941) "for the district of Stralsund," remain in force for the scope of operation of this law, but the powers of the royal master of fisheries therein laid down may be transferred by means of the statute in fishing grounds belonging to associations, to the committee appointed by the association for the administration of fishery inspection (§ 9); in this case the second clause of § 15 of this law is to come into force for the issue and verification of certificates.

Supplementary Clause.

(Law of the 30th March 1880. C. of L. p. 228.)

Article 2. The number of licences (authorisation certificates) to be issued can be determined by the inspectors in the case of non-enclosed waters.

Marking of Fishing Tackle lying out for Fishing.

§ 19. Tackle lying out for fishing in the absence of the fisherman must be provided with a distinguishing mark by which the personality of the fisherman may be ascertained. Detailed rules as to the nature of the distinguishing marks are to be made known—for fishing grounds belonging to associations—in the statute of the association; and for other fishing grounds, by means of a police ordinance.

Obstacles to the passage of Fish.

§ 20. Waters must not be closed to the passage of fish by means of fishing appliances to a greater extent than half their width measured from the bank at ordinary low water.

Such appliances should not be placed so near to one another as to impede the passage of fish between them.

These regulations apply to frontier waters only so far as a similar system is observed in the neighbouring territory; and the Minister for Agricultural Affairs is empowered to suspend them temporarily for waters which are not continuously under our authority.

Fixed fishing appliances already in use are not subject to these regulations, if fishery rights bearing on the particular fishing appliance in question are associated therewith; failing this, they must be altered in so far as they do not correspond with the rules of this paragraph, within at most two years from the promulgation of this law, by the owners, who, in case of necessity, will be prosecuted.

Prohibition of destructive means of catching Fish.

§ 21. For fishing purposes, it is forbidden to make use of destructive or explosive materials (poisoned bait or any means for stunning or destroying fish, explosive cartridges, or other explosives, &c.).

Fishery Police Regulations.

§ 22. After consultation with the provincial representatives concerned, the following shall be laid down in a royal decree:—

(1.) What fishes may not be caught on account of their size and weight;

(2.) During what periods of the day and year fishing may be forbidden entirely, or in certain parts of the waters, or with reference to certain methods of fishing, or species of fish;

(3.) What methods of fishing and what kinds of appliances for fishing may not be used;

Rights to the use of fixed (stationary) fishery appliances (§§ 5 and 20) cannot be affected by these regulations, neither can rights to the use of other specified means for fishing, if the persons holding these rights make use of such means alone for fishing purposes;

(4.) Of what nature the fishing tackle must be, and with what restrictions it may be used for fishing;

(5.) What rules fishermen must observe (*a*) for the avoidance of mutual hindrance; (*b*) in the interests of public trade and navigation; and (*c*) with regard to the inspectors, and for facilitating the work of inspection;

(6.) At what periods of the year, and in what places, it may be forbidden to gather sea plants.

Infringements may be punished either by a fine not exceeding 150 marks in the currency of the Empire, or by imprisonment and confiscation of the unlawful appliances used in fishing.

Until the promulgation of the royal decree outlined in this paragraph, the regulations hitherto in force and bearing on the matter founded by law or ordinance, are to remain in force.

Regulations for Close Time and Protection of Young Fish.

§ 23. With regard to the close times referred to in paragraph (2) of § 22, the fishery shall not be limited to a degree greater than that which is imperatively required for the maintenance of the stock of fish, having regard to the means of protection given elsewhere in this law.

Especially in those parts of waters where consideration for the maintenance of the stock of fish allows, fishing may only be forbidden for three days in the week at most, exclusive of Sundays and Feast Days.

Catching certain kinds of fish and the use of certain means of fishing may also be prohibited in this case for the whole length of the close time.

§ 24. Should fish, the capture of which at the then time or on account of their size and weight is absolutely prohibited, be taken alive by fishermen, they must be immediately returned to the water.

§ 25. The provisions of §§ 19 to 24 are not applicable to enclosed waters (§ 4).

§ 26. If the catching of fish of less than a certain size or weight is prohibited, then within the scope of this prohibition fish of less than this size or weight may be neither offered for sale, sold, nor sent away.

§ 27. The regulations of §§ 24 and 26 do not apply to fry in fish-breeding establishments.

Inspectors may allow exceptions, under suitable controlling rules, in the interests of scientific investigation or experiments in the public interest and for purposes of artificial fish breeding, as far as necessary.

Fry may be sold or despatched by the owners of enclosed waters (§ 4) for purposes of breeding.

§ 28. During the periods of close time those stationary (fixed) fishery appliances not prohibited by this law in non-enclosed waters must be removed or abolished.

The owners thereof will be prosecuted if necessary.

Supplementary Clause.

(Law of the 30th March 1880. C. of L. p. 228.)

Article 3. So far as considerations relative to the maintenance of the stock of fish allow, the president of the government of the district may allow exceptions from the regulations referred to in the previous paragraph.

Close Fishing Grounds.

§ 29. After consultation with the persons concerned holding fishery rights, and, in the case of fishing grounds belonging to associations, after consultation

with the Committee of the Association, the following may he proclaimed as close fishing grounds:—

(1.) Such parts of waters as offer, according to expert opinion, especially suitable places for the spawning of fish and for the development of the fry (close spawning grounds).

(2.) Such parts of waters as command the entrance of fish from the sea into inland waters.

Close fishing grounds are established as such by decree of the Minister for Agricultural Affairs, and, if the fishing rights of such parts of waters as are to be established as close grounds belonging to the State by this Minister in conjunction with the Minister of Finance.

The decree in question is to be brought to the knowledge of the parties concerned by public notification; also the close grounds are to be made recognisable by putting up special distinguishing marks so far as the locality allows.

§ 30. Every kind of fishing is prohibited in close fishing grounds other than that ordered or allowed by the inspectors for the purpose of protection or commercial or other object in the public interest.

§ 31. In close spawning grounds [§ 29, Part (1)] cleaning out, cutting of grass and sedge, removal of sand, stones, mud, &c., which might cause harm to the propagation of fish, must be discontinued during the spawning time of the prevailing species of fish, as far as is compatible with the interests of the foreshore and the cultivation of the land. Details on this point, relative to the inspection and protection of close fishing grounds, are to be established in case of necessity by regulations issued by the district committee (district governing body).

§ 32. By preference those waters should be declared close fishing grounds which would be open to public fishing, or in which the fishery rights belong exclusively to the State; or finally, in which the fishery rights are taken over by political communes according to § 7 of this law.

In these cases no compensation will be given for the stoppage of fishing.

If, however, it should be necessary, for the maintenance or improvement of the stock of fish to include waters other than those mentioned above in close fishing grounds, then the fishery rights therefor lapse, and full compensation must be paid to the owners of these rights out of State funds, the amount of which, failing an amicable settlement, must be determined in a court of law.

Enclosed waters can neither be made close fishing grounds nor included therewith against the will of the owners.

§ 33. Those stretches of waters from which fishery rights have been withdrawn by previous laws or ordinances, by being declared close, are to remain as close grounds within the meaning of this law, and are subject to the rules of §§ 29 to 31.

§ 34. If the maintenance of a close fishing ground as such is no longer necessary, it may be thrown open again by decree of the Minister for Agricultural Affairs. In this event the former conditions as regards fishing rights are reverted to, but, however, should an indemnity have been paid out of State funds for the abrogation of fishing rights to the holders thereof, the said fishery rights must remain in the possession of the State.

Passage of Fish.

§ 35. Any person who, after the promulgation of this law, constructs in natural waters coming under its influence, weirs, sluices, dams or other marine works in places where the passage of migratory fish was previously unimpeded, is obliged to make and maintain, at his own cost, channels for the passage of fish.

Exceptions from this regulation may be allowed (always temporarily, however)—

(1.) If the passage of fish in the waters concerned is already obstructed at the time by constructions, or for other reasons; or

(2.) If the new constructions are only for a temporary purpose, and the speedy removal thereof is assured,

The nature and use of the necessary construction (*i.e.*, channel), and the granting of exceptions, are to be determined, after previous expert examination, by those authorities whose sanction is necessary for the works which are to be carried out, or, if sanction is not necessary, by the inspectors.

§ 36. Owners of weirs, sluices, dams, or other marine works in natural waters, by means of which the passage of migratory fish is entirely blocked or considerably interfered with, are obliged to allow the construction of channels for fish—

(1.) If the construction thereof is considered by the State to be for the public good.

(2.) If individuals or associations holding fishing rights in the upper or lower parts of waters intend to carry out the construction thereof, and the building plans proposed by them is sanctioned by the district committee [the district governing body ("Landrost")] after previous consultation with the persons owning the dams, &c. (§ 39).

§ 37. The provisions of §§ 35 and 36 do not apply to—

(1.) Enclosed waters (§ 4).

(2.) Artificially constructed waterways. This exception also includes natural waters if and so far as they form an essential adjunct or part of an artificial waterway.

(3.) Marine works (drainage-sluices, drains, &c.), which are or may be constructed for the protection of lowlands against the pressure of floods.

§ 38. If damming rights are prejudiced by the constructions described in § 36, full indemnity is to be paid by the person undertaking the said construction; but, on the other hand, no compensation will be afforded to fisheries in the event of a depreciation of the value of the fishery caused by the building of a channel for fish.

39. The building of a passage for fish by individuals holding fishery rights or associations must in every case receive the sanction of the district committee [the district governing body ("Landrost")] who, when examining the plans, must not only take into regard bank, river, and navigation police considerations, but must also see that if the passage for fish is established against the will of the persons holding the damming rights, the limit of what is necessary is not exceeded.

§ 40. The necessary space or ground for channels for fish to be constructed by persons holding fishery rights, either on behalf of the State, or according to a building plan sanctioned by the district committee (the district governing body, *i.e.*, "Landrost") must be ceded by the owners thereof, who are to be fully compensated by those undertaking the construction.

For the business of the cession of such space or ground and the ascertainment of the amounts of compensation, those rules hold good which apply to cases of dispossession for purposes of the foreshore in various districts.

These same rules are applicable for the ascertainment of the amount of compensation to be awarded in the case of § 38.

§ 41. The district committee (the district governing body, *i.e.*, "Landrost") must settle, by carefully weighing all the interests concerned, at what periods of the year channels for fish must be kept closed.

§ 42. Every kind of fishing is prohibited in channels constructed for the passage of fish, especially the suspension or setting up of baskets, nets, traps, and other devices for catching fish. During the period in which the channel is open every kind of fishing must be prohibited above and below the channel to a distance to be determined by the district committee according to local conditions. Should this prohibition be injurious to the advantages enjoyed by those holding fishery rights, full compensation must be awarded.

Supplementary Clause.

(Law of the 30th March 1880. C. of L., p. 228.)

Article 5. To protect fish against being harmed by turbines the Ministers of Trade and Agriculture are empowered, in the case of the erection of every turbine establishment subsequently to this law coming into force, to cause the

owners thereof to erect and maintain at their own cost such apparatus (wire netting, &c.) as may prevent the fish being drawn into the turbines.

Pollution of Fishing Waters.

§ 43. It is prohibited to throw, introduce, or pour into the water products from agricultural or industrial works in such quantities or of such a nature as to be prejudicial to fishery rights held by other persons.

In case of very great necessity for the interests of agriculture or industry the district committee may allow such substances to be thrown into the water. As far as local conditions allow, the owner of the establishment shall be given the execution of such arrangements as may be suitable for restricting injury to fish as far as possible.

In the event of the discharge from agricultural or industrial establishments, which were already in existence before the promulgation of this law or in conformity with the preceding clause, destroying or seriously injuring the stock of fish in fishing waters, then, upon application by one holder of fishery rights who has suffered from the discharge, the owner of the establishment can be summoned (by means of legal proceedings) to take such preventive measures as may, without being unduly vexatious to his business, cause the injury to cease or to be largely diminished. The district committee decides this matter, so far as the discharge in question is not connected with a factory included within the provisions of § 16 of the Imperial Industrial Ordinance as necessitating a licence (sanction).

The cost of establishing such preventive measures shall be refunded to the owner of the factory by the parties bringing the complaint.

The latter are obliged, if requested to do so, to give an advance of money or security before the work is executed.

Decisions with regard to allowing discharges (paragraph 2), and also for preventive measures in accordance with paragraph 3, are given according to the legal procedure laid down for the concessions for these factories, if the discharge in question is in connection with a factory described as requiring sanction in § 16 of the Industrial Ordinance of the 21st June 1869, for the North German Bund (Bundes Gesetzblatt, p. 245). [In other cases according to the procedure which is appointed for the sanction (licensing) of damming constructions for water power works.]

§ 44. The steeping of flax and hemp in non-enclosed waters is prohibited.

The district committee (district governing body "landrost") can allow exceptions (although always temporarily only) from the prohibition in the case of communal districts, or large tracts of country, where the locality is not suitable for the establishment of steeping-pits for this purpose, and the use of non-enclosed waters is indispensable at the time for the preparation of hemp and flax.

Right of killing or catching Harmful Animals.

§ 45. Person holding fishery rights are allowed to kill or to catch and keep for themselves otters, grebe, king-fishers, herons, cormorants, and ospreys without using fire-arms.

If, in particular districts, the existing laws allow persons holding fishery rights in amplification thereof to catch animals harmful to fish, this privilege is sufficient.

Inspection of Fisheries.

§ 46. Wherever in this law inspecting authorities are referred to, they are understood to be the ordinary authorities (magistrature) of the district within the scope of their authority.

The inspection of inland fisheries of close fishing-grounds and of fish channels may be carried on by special officials appointed by the State. Overseers appointed by individuals holding fishery rights, by fishery associations, or by communes are obliged to follow the orders of these officials within the prescriptions of this law.

In fishing grounds belonging to associations, the direct supervision (inspection) of the fishery devolves upon the committee of the association; in all inland

fishing grounds not belonging to associations it devolves upon the State local police of the commune within the limits of which the fishing ground lies.

Fishery inspectors appointed by individuals holding fishery rights, by fishery associations, or by communes may, if so desired, be officially engaged, so that no doubt may exist as to their trustworthiness.

The direct supervision of the coast fisheries, with the exception of fishing grounds belonging to associations, is to be carried on by the instrumentality of the State administration.

§ 47. Officially engaged supervising officials (inspectors) have the authority of and perform the duties of local police officials within their district of operation as regards the discovery and prosecution of offences against the regulations of this law, and against previously existing fishery police regulations; in particular they are authorised to inspect at all times tackle in use for fishing purposes, and fishery tackle and fish on board fishing boats.

They may also at all times examine fish tanks constructed in non-enclosed waters.

§ 48. If any person is caught at or arrested committing an offence or immediately afterwards, the articles causing his arrest which he has with him are to be attached. In such a case the fishing tackle and boat used for the offence may be confiscated.

The articles not causing his arrest which he has with him must be handed over to the nearest local authorities to be kept at the risk and cost of the owner, but are nevertheless to be given back on payment of a sum of ready money, the amount to be determined by the local authorities, equivalent to the fine imposed in addition to the cost of keeping, or to the value of the article detained. Payment may be made to the local authorities or to the court. If the payment is not made within eight days, the article detained may be publicly sold by auction on the authority of the judge empowered to do so.

Penalties.

§ 49. A fine not exceeding 30 marks in the Imperial currency or imprisonment for a period not exceeding one week will be inflicted on—

(1.) Any person who under the provisions of § 11 is caught carrying on fishery operations without a licence drawn up and certified according to the rules laid down in §§ 12 and 13, or without a certificate as prescribed in § 16, or, as the case may be, without an authorisation certificate drawn up and attested according to the rules of the fishery ordinance of the 2nd July 1859, in force for those parts of the Oder lying in the province of Pomerania, the Haff and its outlets, and of the ordinance of 30th August 1865 for the district of Stralsund (§ 18).

(2.) Any person who, contrary to the provisions of § 19, sets fishing tackle without the necessary distinguishing marks.

§ 50. A fine not exceeding 150 marks in Imperial currency, or imprisonment, will be inflicted on—

(1.) Any person who, as lessee of a communal fishery, exceeds the quantity of fishing appliances fixed by the inspecting authorities (§ 8).

(2.) Any person who unlawfully issues and disposes of a licence or authorisation certificate.

(3.) Any person who, when carrying on fishery operations in non-enclosed waters, makes use of any of the means prohibited by § 21.

(4.) Any person who, contrary to the provisions of § 28, does not remove or take away at the proper time fixed fishery appliances, or uses them to a greater extent than allowed by § 20.

(5.) Any person fishing in close fishery grounds contrary to the prohibition (§ 30) or contravening any of the regulations issued for the protection thereof (§ 31).

(6.) Any person fishing in any manner whatsoever in channels constructed for the passage of fish as well as in those parts of the water above and below the channel in which fishing is prohibited (§ 42).

(7.) Any person who, contrary to the provisions of § 43 or to the orders issued for the execution thereof, shall introduce into fishery waters any harmful matter endangering the fishery, or steep flax or hemp in non-enclosed waters (§ 44).

PRUSSIA. § 51. A fine not exceeding 90 marks in Imperial currency, or imprisonment for a period not exceeding four weeks, will be inflicted in the case of—

All contraventions of the regulations of §§ 24 and 26 of this law.

In addition to the penalty all fish exposed for sale, sold or dispatched in contravention of the prohibition is to be confiscated, whether it belongs to the guilty party or not.

§ 52. Any person employing his dependants, servants, apprentices, or workmen as assistants in committing an offence liable to penalty under the provisions of this law, renders himself liable to pay the fines inflicted on them should they not be solvent, in addition to that incurred by himself.

Concluding Regulations.

§ 53. All regulations previously issued contrary to the provisions of this law are withdrawn.

§ 54. The Minister for Agricultural Affairs is charged with the execution of this law.

Given at Berlin, 30th May 1874.

(L.S.) WILLIAM,
&c., &c.

EAST PRUSSIA.

Province of East Prussia.

Ordinance relating to the execution of the Fishery Law of the 30th May 1874, in the Province of East Prussia.

(8th August 1887. Code of Laws 1887, p. 337.)

We, William, by the grace of God, King of Prussia, &c., decree, on the basis of and for the execution of the Fishery Law of 30th May 1874 (C. of L. p. 197 et seq.) for the Province of East Prussia, after consultation with the Diet of the Province, as follows :—

§ 1. The following regulations are applicable to fisheries in non enclosed waters :—

(1.) The catching of spawn and fry is prohibited.

(2.) Fish of the under-mentioned kinds may not be caught if they do not measure at least the following lengths, from the top of the head to the end of the caudal fin :—

Sturgeon [Acipenser sturio]	100 c.m.
Salmon [Salmo salar]	50 „
"*Grosse Maräne*" [Coregonus maraena Bloch]	40 „
Eels [Anguilla vulgaris Flamming]	35 „
Perch-pike [Lucioperca sandra Cuv.]	28 „
Bream [Abramis brama]	
Salmon trout [Salmo trutta]	
Carp [Cyprinus carpio]	
Shad [Clupea finta]	
"*Rapfen*" [Aspius rapax]	
Barbel [Barbus fluviatilis	
Pike [Esox lucius]	20 „
"*Schnepel*," "*Nordseeschnepel*" [Coregonus oxyrhynchus] "*Ostseeschnepel*" [Coregonus lavaretus]	
Nose fish [Chondrostoma nasus]	
Chub [Leuciscus idus]	
Tench [Tinca vulgaris Cuv.]	
Trout [Salmo fario]	18 „
Grayling [Thymallus vulgaris Nilsson]	
"*Gieben*" ("*Giester*" "*Halbbressen*") [Blicca björkna]	15 „
"*Zärthe*" (a species of bream) [Abramis vimba]	
Plaice [Pleuronectes platessa]	
Flounders [Pleuronectes flesus]	

Perch [Perca fluviatilis] - - -	13 c.m.
Roach [Leuciscus rutilus] - - -	
Rudd [Scardinius erythrophthalmus] - -	
"*Karausche*" [Carassius vulgaris Nordmann] -	12 „
"*Kleine Maräne*" [Coregonus albula] - -	
Craw-fish ("*Krebs*") [Astacus fluviatilis Rondelet]	10 „ from the top of the head to the end of the tail.

The Minister for Agriculture, Lands, and Forests is empowered for the whole of the fishing grounds, or for separate parts thereof, to raise the minimum measurement for sturgeon to 120 centimetres, for salmon trout to 50 centimetres, for perch-pike to 35 centimetres, for crabs to 12 centimetres, and for species of flat fish distinguished above, to raise the measurement above the size given there, and also to prescribe minimum measurements for varieties of flat fish not distinguished above and for cod.

(3.) Spawn and fry, as also fish of the kinds specified in (2) which do not reach the size noted there, must, should they be taken alive by fishermen, be returned immediately to the water with the care necessary to their safety.

(4.) Fish of the kind specified in (2) which do not reach the size noted there must not be used as bait.

(5.) In the interests of the breeding of fish, of scientific investigation, or of experiments for the public good, the inspectors (§ 46 of the Law) may allow individuals holding fishery rights, temporarily and provisionally only, to catch spawn and fry, as also fish and crabs of a size less than that specified in (2).

§ 2. With the reservation of th eexceptions given in § 27 of the Fishery Law and in the preceding § 1, part (5), spawn and fry, as well as fish of the kinds mentioned in § 1, part (2), of a size less than therein laid down, may neither be exposed for sale, nor sold, nor despatched, whether caught in enclosed or non-enclosed waters.

Spawn and fry and fishes below the allowable limit of size caught in non-enclosed waters may be used neither for the manufacture of fish-oil, nor for cattle-food, nor for manure or the preparation of manures, nor for any other commercial or industrial purpose.

The president of the government of the district, however, may in the event of urgent commercial reasons allow exceptions from this latter prohibition temporarily and for particular stretches of water.

§ 3. The following restrictions are applicable to the prosecution of fishing:—

(1.) Fishing is prohibited from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening in coast fishery waters and non-enclosed inland fishery waters (weekly close time).

(2.) From 6 o'clock in the morning of the 15th October to 6 o'clock in the evening of the 14th December (winter close time) fishing in the following inland fishery waters may only be carried on by special permission of the president of the government:—

(*a.*) In the river Wadang, in the district of Allenstein.

(*b.*) „ Bahnau } „ „ Heiligenbeil.

(*c.*) „ Omatza }

(*d.*) „ Alle, from its source near Lahna, Neidenburg district, to Bartenstein, Friedland district, and also on the boundaries of the districts of Neidenburg, Allenstein, Heilsberg, and Friedland.

(*e.*) In the river Simser, on the boundaries of the districts of Rossel and Heilsberg.

(*f.*) In the river Guber, on the boundaries of the districts of Rastenburg and Friedland.

(*g.*) In the brook Elm, on the boundaries of the districts of Eylau and Heilsberg.

(*h.*) In the river Passarge, above the village of Biessellen, in the district of Osterode.

(*i.*) In the brook Parove, in the district of Osterode; and

EAST PRUSSIA.

(*k.*) In the Ilgen canal, in the district of Osterode.

This special permission will only be granted if the use of the ova or ova-bearing salmonidæ caught (salmon, salmon-trout, trout) is guaranteed to be for the purpose of artificial fish breeding. The permission will be at once withdrawn should this condition not be fulfilled.

(3.) In all other inland fishery waters not previously mentioned in (2), during the period from 6 o'clock in the morning of the 15th April to 6 o'clock in the evening of the 14th June, an enforced weekly close time (spring close time) exists, during which fishing may only be carried on on three days in each of the weeks falling within the close season, beginning on Monday morning at 6 o'clock and ending on Thursday morning at 6 o'clock.

After the constitution of a sufficient number of close fishing grounds, the president of the government may allow fishing to be carried on on a further two days in each of the weeks falling within the close season, in addition to the days allowed by the preceding clause.

(4.) Within the jurisdiction of coast fisheries, from 6 o'clock in the morning of the 15th April to 6 o'clock in the evening of the 14th June (spring close season)—

(*a.*) Fishing must not be carried on in such parts of the waters as include the spawning grounds of the more important kinds of fish. (The president of the government determines the delimitation, &c., of these waters.)

(*b.*) Fishing must not be carried on by dragging (trawl nets, &c.) nor by means of nets of several panes.

The president of the government is empowered to allow exceptions from the above limitations (*a*) and (*b*).

(*c.*) Fishing for "*strömling*" (a kind of small herring) may only be carried on after previous authorisation by the president of the government.

§ 4. The president of the government may in exceptional cases allow the following fisheries to be prosecuted during the duration of the weekly and annual close seasons provided for in § 3, parts (1), (2) and (3) :—

(1.) The capture of such fish as usually appear in large shoals suddenly and disappear again in a short time, such as herrings, sprats, lampreys, sturgeon, and smelts may be allowed with such appliances as are only prescribed and intended for the catching of these sorts of fish.

(2.) Fishermen who carry on the so-called "still fishery" (*stille Fischerei*) without fixed appliances, with sunk nets, snares, baskets, or lines, may be allowed to take up their appliances and set them again if no injurious impediment to the passage of migratory fish is to be feared by their doing so.

(3.) Fishing with a rod may be allowed.

(4.) In the interests of scientific investigation, or of experiments for the public good, or for the purposes of artificial fish breeding, or, finally, for the protection of the other fish against fishes of prey, the catching of certain kinds of fish not mentioned above may be allowed in exceptional cases, as far as necessary and under suitable controlling rules.

In every case where permission to fish is granted during close times, however, the use of such allowable fishing appliances as are principally liable to destroy fry is not to be included in the permit.

§ 5. If necessitated by urgent considerations with regard to the maintenance of the stock of fish or of particular kinds of fish, fishing, during the spring close season provided for in § 3, part (3), may be entirely prohibited by means of an ordinance of the local police in certain waters or parts of waters, or may be limited to the extent stated above, *i.e.* the catching of certain kinds of fish or the use of certain sorts of fishing tackle may be entirely prohibited for the whole close season.

§ 6. In waters in which "*Maräne*" or grayling are to be found in large numbers, the catching of "*Maräne*" for four weeks within the period from the beginning of November to the end of December may be prohibited by means of an ordinance of the local police. The catching of grayling for an equal length of time within the period from the middle of February to the end of June may be similarly prohibited.

In a similar manner the catching of other specified commercially important kinds of fish may be prohibited for a period not exceeding six weeks, exclusive of the annual close seasons, in particular parts of waters, if it is for the purpose of preserving that kind of fish.

§ 7. The president of the government is empowered—

(1.) To change the weekly close time [§ 3, part (1)] to the period from 6 o'clock on Sunday morning to 6 o'clock on Monday morning for the whole district, for certain waters or for certain parts of waters;

(2.) After a long, continuously cold winter, to fix as the spring close season inland fishery waters [§ 3, part (3)], and for coast fishery waters [§ 3, part (4)], six weeks within the period from the 15th April to the 15th July, for the whole district, for particular waters or for parts of waters.

§ 8. The Minister of Agriculture, Lands, and Forests is empowered—

(1.) To order the commencement of the winter close season dealt with in § 3, part (2), for waters referred to above in § 3, part (3), when they are open to the passage of migratory fish, or contain salmonidæ;

(2.) To order the commencement of the spring close season prescribed in § 3, part (3), for waters referred to above in § 3, part (3);

(3.) To regulate the yearly close seasons prescribed in § 3 for waters which in their course touch non-Prussian territory, in conjunction with the neighbouring government concerned; and

(4.) To regulate in a uniform manner the annual close seasons prescribed in § 3 for waters belonging to several provinces and government districts.

The limits of spring and winter close seasons should as far as requisite be made known for particular waters by means of local notices to be put up by the State.

§ 9. During the weekly and annual close seasons prescribed in § 3, stationary fishery appliances not prohibited by the Fishery Law of 30th May 1874, in non-enclosed waters must be removed or abolished (§ 28 of the Law).

So far as considerations relative to the maintenance of the stock of fish allow, the president of the government may permit exceptions from the regulations laid down in the previous paragraph (Article III. of the Law of 30th March 1880).

§ 10. §§ 3 to 8 do not apply to crab fisheries.

Crab fishery is prohibited in all non-enclosed waters from the 1st November to the 31st May inclusive.

If crabs should be caught alive by fishermen during the regulation close season, they are to be put back into the water at once, with all care necessary to their well being.

If necessitated by urgent considerations with regard to the maintenance of the stock of crabs in particular waters, the catching of female crabs bearing eggs or young may be prohibited by means of a local police ordinance, and, in extreme cases, the sale of female crabs may temporarily be prohibited.

§ 11. For purposes of coast and non-enclosed inland fisheries the following are prohibited:—

(1.) The use of destructive or explosive materials (poisoned bait or any means for stunning or killing fish, explosive cartridges, or other explosives, &c.) [§ 21 of the Law].

(2.) The use of means for wounding fish, as spears, traps with springs, tridents, rakes, hoes (eel-hoes, &c.), lances, stakes, firearms, &c.

Rights to the use of spears are not affected by the above rules if the person possessing the rights only fishes by this means.

The use of fishing-rods is allowed.

EAST PRUSSIA.

Within the jurisdiction of coast fisheries the president of the government may in exceptional cases sanction the use of spears for eel-fishing from the 15th October to the beginning of the spring close season, subject, where necessary, to the erection of a special construction for this method of fishing.

Furthermore, in the waters mentioned above the following are prohibited :—

(3.) Driving fish together at night by means of lights or torches;

(4.) Methods of driving fish together, such as beating with poles, throwing stones, chasing, rattling or clattering in a boat, &c. &c.

The president of the government may allow exceptions from this prohibition for certain kinds of fishing.

§ 12. Non-enclosed waters may not be dammed up nor drained off for the purpose of fishing without the permission of the inspecting authorities (§ 46 of the Law).

§ 13. Fish weirs and fences, and traps ("*Selbstfänge*") in connection therewith for salmon and eel must not be newly constructed unless specified rights therefor are in existence.

For the purpose of obtaining spawn and fry for artificial fish breeding the president of the government may, however, temporarily allow such fishery appliances subject to the limitations imposed by § 20 of the Fishery Law.

§ 14. For fisheries in non-enclosed waters no fishing tackle (nets, &c.) of any kind or description may be used, of which the meshes, when wet, do not measure at least 2 · 5 centimetres in width in every part (the measurement being made from the middle of one knot to the middle of the next knot). The following are exceptions :—

Gurnet nets used in the "Kurische Haff" may only be used with meshes 3 · 5 centimetres in width.

These rules apply to all parts and sections of the fishing tackle in question; but for nets provided with so-called "channels" ("*Kehlen*") the minimum measurement does not apply to the "channels."

The minimum width of the meshes or openings of fishing tackle exclusively intended and used for catching eels, lamprey, and stickleback, with the exception of eel-pots used in the "Haff" and on the sea coasts, will be regulated by a Decree.

The president of the government may sanction the use of fishing tackle—

For catching ruffe, the minimum width of the meshes of which is 1·3 c.ms.
" " bleak, " " " " " 0·7 "
" " smelts, " " " " " 0·4 "

He is, moreover, empowered, in cases of necessity, to allow further exceptions from the above-mentioned width of meshes for particular kinds of fishing tackle and for the catching of other kinds of fish, such as minnows, "*maipiere*," loach, and goby. In all such cases, however, the president of the government is empowered to draw up restrictive regulations as to the nature, size, and construction of this tackle, as well as concerning the extent and description of, and the time for, their use.

If urgently necessitated by considerations with regard to the maintenance of the stock of fish or of an important species of fish, the use of any harmful fishing tackle in particular waters or parts of waters may be entirely prohibited or limited in a manner exceeding the above rules by means of a local police ordinance.

§ 15. Without permission of the inspectors, the passage of fish in running waters may not be blocked for fishing purposes, either by means of fixed tackle or by means of fishery appliances fixed to or connected with the bank or bed of the river (snares, block-nets, &c.) for more than half the width at ordinary low water measured in the shortest straight line from bank to bank.

Several sets of fishing tackle of the same kind may only be spread out or put up on the same or opposite sides of the river at a distance from one another of at least three times the extent of the largest net.

When trawling is carried on by means of several nets at the same time, the nets must be separated from each other by a space at least twice as great as the length of the largest net.

No fisherman may come into the line of any person already engaged in fishing, nor encroach upon the line of operation of any person who has already set up his fishing tackle.

No fisherman may set his nets in any other person's circle of nets which is marked out by poles by pieces hewn out of the ice, or in any other manner.

No fisherman may, however, reserve as a fishing station any place other than that where he is actually fishing.

If a fisherman who has marked out a place for the setting up of his winter nets does not make use of the place during the ensuing 24 hours, any other fisherman may occupy the place thus marked out.

§ 16. In navigable waters fishing must not impede nor be detrimental to shipping.

Fixed or floating fishing appliances, and all other fishing tackle, must be so placed or set up as not to impede the free passage of ships and ferry boats.

Poles set up for the purpose of supporting fishing tackle must project at least 1 metre above the mean height of water, and must be removed when the fishing is concluded.

Fishermen are forbidden to allow posts to remain in position when broken or sawn off below the level of the water.

In waters belonging to coast fisheries, the ferries, main channels of rivers, straits, and the entrances to lakes, rivers, streams, canals, &c., must not be blocked with stationary nets.

Further regulations will be issued, if necessary, in the form of a local police ordinance as to distinguishing marks for fishing tackle in use for the protection of navigation.

§ 17. Care should be taken by fishermen, when fishing, that tuns, buoys, and other marks for the indication of channels, or for marking out close fishing grounds, should not be carried away or displaced by nets and lines. Should such marks be displaced the matter must be at once reported by the fisherman to the nearest pilot station or police authorities.

Fixed nets must not be placed within a distance of 75 metres of main navigation channels indicated by fixed points on land or by tuns, barrels, or buoys in the water.

§ 18. Fishermen must, during winter fisheries, place pieces cut out of the ice in an upright position in immediate proximity to the openings and holes made, and must not push them under the ice. Holes for letting down and pulling up nets must be distinguished by bushes, poles, or in some other easily discernible manner.

No holes may be made in or near beaten tracks marked out on the ice or within a distance of at least 4 metres from them.

It is forbidden to remove or displace marks erected on ice tracks.

Detailed regulations for the execution of the provisions of this paragraph may be made by means of a local police ordinance.

§ 19. Distinguishing marks for fishing vessels. [*cf.* § 20, p. 62.]

§ 20. Distinguishing marks for fishery police. [*cf.* § 21, p. 63.]

§ 21. Contraventions of the provisions of this ordinance will be punished by the infliction of a fine not exceeding 150 marks, or imprisonment.

At the same time unlawful fishing tackle used for fishing may be confiscated.

§ 24. This ordinance shall come into force on 1st October 1887.

At the same time the ordinance of the 11th May 1877 (C. of L., p. 141) relating to the execution of the Fishery Law in the province of Prussia is abrogated.

Existing legal regulations of the province relating to the ownership of waters or the limits of fishery rights are not affected by this ordinance.

Given under our Hand and Seal.

(L.S.) WILLIAM, &c.

8th August 1887.

EAST PRUSSIA.

Fishery Ordinance for the "Kurische Haff" of 7th March 1845.

(Code of Laws 1845, p. 139.)

EXTRACT.

§ 10. No kind of fishing may be carried on in the channel of the Kurische Haff under penalty of a fine not exceeding 50 thalers.

The limits of the channel extend on the sea side from the so-called Schulzenwrack at Süderhacken on the Kurische Nehrung to the northern extremity of the village of Mellneraggen on the Norderbacken, and on the Haff side from where the Kurische Haff enters the Baltic to the village of Schöferei.

§ 11. No kind of fishing may be carried on in the "Haff" within an eighth of a mile (German) from the mouths of rivers and streams flowing thereinto, without obtaining special rights. Persons possessing fishery rights in these rivers and streams within an eighth of a mile outwards from their mouths are obliged to observe the police ordinances issued by the Government both in the interests of navigation and also for the maintenance of the stock of fish in the "Haff." In no case may the rivers or streams flowing into the "Haff" be obstructed in such a manner as to prevent the passage of fish.

Contraventions of the provisions of this paragraph will be punished with a fine not exceeding 50 thalers.

Fishery Ordinance for the "Frische Haff" of 7th March 1845.

(Code of Laws 1845, p. 121.)

EXTRACT.

§ 13. The boundaries of the "Pillauschen-Tiefs" extend from the entrance of the "Tiefs" into the Baltic on the "Haff" side :—

(1) Along the Danziger Nehrung for half a mile behind the post-house;

(2) Towards Caporn for half a mile behind Alt-Pillau;

(3) Towards Balga for half a mile into the Haff.

The boundaries of the Tiefs must always be marked out with buoys which are to be put down annually in the spring and taken up again in the autumn:—

Within these boundaries:—

(*a.*) The fishermen belonging to the village of Alt-Pillau may only prosecute seine-fishing as hitherto, on the condition that they avoid the shoals, pools, and channel near Pillau; and

(*b.*) The inhabitants of Pillau may only set their baskets for catching lamprey at Ravelin Storchnest; lamprey fishers must, however, avoid the pools, stream, and shoals along the Danzig coast, and at the above-mentioned spot they must only set their baskets under the supervision of the pilots, and fasten the baskets to buoys with strong ropes.

§ 14. Moreover, no kind of fishing may be carried on either within the boundaries defined in § 13 in the Haff or within one mile in every direction before the entrance to the Haff in the sea, under penalty of a fine not exceeding 50 thalers.

Fishing for "Strömling"* with the seine ("beach fishing") alone is excepted from the above restrictions; this may also be carried on within a radius of one mile from the entrance of the Haff into the Baltic, from the end of the stone dam on the Pillauer side and the mole on the Nehrung side.

* A kind of small herring.

§ 15. No kind of fishing may be carried on in this "Haff" within an eighth of a mile (German) from the mouths of rivers and streams flowing thereinto, without obtaining special rights.

Persons holding fishery rights in these rivers and streams within an eighth of a mile from their mouths are obliged to observe police ordinances, issued by the Government, both in the interests of navigation and also for the maintenance of the stock of fish in the "Haff." In no case may rivers or streams flowing into the "Haff" be obstructed in such a manner as to prevent the passage of fish.

Contraventions of the provisions of this paragraph will be punished with a fine not exceeding 50 thalers.

Notification by the President of the Government relating to the close Fishing-Grounds of the "Kurischen Haff." May 3, 1884.

(Official Gazette of the Royal Government at Königsberg, Vol. 20, No. 295.)

The close fishing grounds are made known in this notification. In the close fishing ground channel the prosecution of certain kinds of fishing at certain times and in certain parts may be allowed conditionally. The permit will be granted annually with the necessary alterations.

Notification by the President of the Government relating to the Flags to be flown on their Vessels by Fishermen of the "Kurische" and "Frische Haff." September 15, 1884.

(Official Gazette of the Royal Government at Königsberg, Vol. 39, p. 650.)

This notification lays down new regulations concerning flags to be flown by the fishermen of localities situated on the shores of the Haff. Flag-books in existence for this purpose will be renewed.

Decree of the Minister of Agriculture relating to the Minimum Measurement of Sea Trout (Salmon Trout). November 18, 1889.

(Official Gazette of the Royal Government at Konigsberg, Vol. 49, No. 814.)

The minimum size for the capture of sea trout (silver salmon, black salmon, coast salmon, salmon trout [salmo trutta]) has been raised to 50 centimetres.

Notification of the President of the Government relating to the Nature, Size, and Construction of Fishing Appliances, and also to the Extent and Period of their Use for the "Kurische Haff," and the Coast of the Baltic near Memel and along the "Kurisches Nehrung." December 23, 1890.

(Official Gazette of the Royal Government at Königsberg, 1891, Vol. 2, No. 16.)

The most important notification for the Kurische Haff and the other waters in the neighbourhood of Memel, regulates *inter alia* the size of meshes of nets, &c. In addition to the powers conferred on the Chief Inspector of Fisheries in many respects, it promulgates many restrictive or amplifying regulations for certain periods, especially with regard to "*Keitel*" fishing.

EAST PRUSSIA.

Notification of the President of the Government relating to the Nature, Size, and Construction of Fishery Appliances, and also to the Extent, Manner, and Period of their use for the "Frische Haff." January 15, 1891.

(Official Gazette of the Royal Government at Königsberg, 1891, Vol. 5, No. 61.)

Here also, as in the case of the notification for the "Kurische Haff," exceptions, where necessary, are allowed with regard to conditions of time and place.

Notification of the President of the Government relating to the Distinguishing Marks to be borne by Vessels engaged in the Fishing Trade in the "Kurisches" and "Frisches Haff." January 13, 1891.

(Official Gazette of the Royal Government at Königsberg, 1891, Vol. 5, No. 61.)

Vessels must carry a board displayed on which are the name and dwelling-place of the owner; they must, in addition, fly a red pennant at the mast head.

Notification of the Government relating to the Close Fishing Grounds of the "Frisches Haff." May 7, 1882.

(Official Gazette of the Government at Königsberg, 1892, Vol. 19, No. 309.)

The close fishing grounds are made known in this notification. "*Strömling*" and stickleback fishing may be allowed at times in the "Pillauer Tief" and in the parts of the Baltic in front of its mouth which belong to the close fishing grounds. The necessary notification will be issued annually.

Police Ordinance of the President of the Government relating to Distinguishing Marks of Fishing Tackle spread out for Fishing Purposes in the absence of the Fisherman. December 27, 1892.

(Official Gazette of the Government at Königsberg, 1893, Vol. 2, No. 27.)

The name and dwelling-place of the fisherman, and also the number of his fishery licence, must be indicated on the tackle.

Notification of the President of the Government, 14*th May* 1894. *Concerns the Supervision of Salmon and Flounder Fishing in the Baltic.*

(Supplement, 1894, to Vol. 19 of the Official Gazette of the Royal Government at Königsberg.)

The minimum size for the capture of a salmon (silver salmon, black salmon, coast salmon, salmon trout, sea trout), is to be 50 centimetres from the top of the head to the end of the caudal fin, and for flounders, 15 centimetres. Stricter supervision is to be enforced, and a special inspecting staff is to be established.

Police Ordinance of the President of the Government, 8th March 1895, *concerning the use of Tarred Nets before they are dry.*

(Official Gazette of the Royal Government at Königsberg, 1895, Vol. 13, No. 211.)

The use thereof is forbidden.

Province of West Prussia.

Ordinance relating to the Execution of the Fishery Law of 30th May 1874, *in the Province of West Prussia, 8th August* 1887.

(Code of Laws, 1887, p. 348.)

We, William, by the Grace of God, King of Prussia, &c., decree, on the basis of and for the execution of the Fishery Law of the 30th May 1874 (C. of L., p. 197 *et seq.*) for the province of West Prussia, after consultation with the Diet of the Province, as follows :—

§ 1. In the branch of the Vistula near Neufähr, the following is to be considered as the line of demarcation between the inland and coast fisheries :—

A straight line joining the extreme points of land on either bank; these points are to be distinguished by signs or marks.

In the mouth of the Nogat the following is to be considered as the line of demarcation between the inland and coast fisheries :—

[*Here follows the description of the line of demarcation referred to above, by means of local landmarks, &c.*]

§ 2. The following regulations are applicable to fishery in non-enclosed waters :—

(1.) The catching of spawn and fry is prohibited.

(2.) Fish of the undermentioned kinds may not be caught unless they have attained at least to the following sizes, measured from the top of the head to the end of the caudal fin :—

Sturgeon [Acipenser sturio]	100 c.m.
Salmon [Salmo salar]	50 „
"*Grosse Maräne*" [Coregonus maraena Bloch]	40 „
Eels [Anguilla vulgaris Flemming]	35 „
Perch-pike [Lucioperca sandra Cuv.], Bream [Abramis brama], Salmon trout [Salmo trutta], Carp [Cyprinus carpio], Shad [Culpea finta], "*Rapfen*" [Aspius rapax], Barbel [Barbus fluviatilis], Pike [Esox lucius]	28 „
"*Schnepel*," "*Nordseeschnepel*" [Coregonus oxyrhyncus] "*Ostseeschnepel*" [Coregonus lavaretus], "*Nase*" [Chondrostoma nasus], Chub [Leuciscus idus], Tench [Tinca vulgaris Cuv.]	0
Trout [Salmo fario], Grayling [Thymallus vulgaris Nilsson]	1 8
"*Gieben*" [Blicca björkna], "*Zärthe*" (a species of bream) [Abramis vimba], Plaice [Pleuronectes platessa], Flounders [Pleuronectes flesus]	15 „
Perch [Perca fluviatilis], Roach [Leuciscus rutilus], Rudd [Scardinius erythrophthalmus]	13 „
"*Karausche*" [Carassius vulgaris Nordmann], "*Kleine Maräne*" [Coregonus albula]	12 „
Crawfish ("*Krebs*") [Astacus fluviatilis Rondelet]	10 „

The last named from the top of the head to the end of the tai

The Minister for Agriculture, Lands, and Forests is empowered, for whole fishery grounds or separate parts thereof, to raise the minimum measurement for sturgeon to 120 c.m., for salmon trout to 50 c.m., for perch-pike to 35 c.m., for crawfish to 12 c.m., and to increase the minimum measurement given for flat-fish, and also to prescribe minimum measurements for kinds of flat fish not given above and for cod.

(3.) Spawn and fry, and also fish of the kinds distinguished in (2) which are smaller than the size specified there must, should they come alive into the fisherman's hands, be at once put back into the water, with all care necessary to their preservation.

(4.) Fish of the kinds distinguished in (2) which are smaller than the size there specified must not be used as bait.

(5.) In the interests of fish-breeding, of scientific investigation, or of experiments in the public interests, the inspecting authorities (§ 46 of the Law) may allow, temporarily and provisionally, individual holders of fishery rights to catch spawn and fry, as well as fishes and crawfish of a size less than that specified in (2).

§ 3. With the reservation of the exceptions given in § 27 of the Fishery Law and in the preceding § 2 (5), spawn and fry, as well as fish of the kinds specified in § 2 (2) smaller than the size given there, may be neither exposed for sale, nor sold, nor sent away, without distinction as to whether they were caught in enclosed or non-enclosed waters.

Spawn and fry, and fish below the allowable limit of size taken in non-enclosed waters, may be used neither for the manufacture of fish oil, nor for food for cattle, nor for manure or the preparation of manuring substances, nor for any other commercial or industrial purpose.

Should urgent commercial reasons necessitate it, however, the President of the Government may allow exceptions from this last prohibition temporarily and for certain waters.

§ 4. The following restrictions are applicable to the prosecution of fishing:—

(1.) In coast fishery waters and non-enclosed inland fishery waters, fishing is prohibited from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening (weekly close time).

(2.) From 6 o'clock in the morning of the 15th October to 6 o'clock in the evening of the 14th December (winter close season) fishing in the following inland fishery waters may only be prosecuted by special permission of the President of the Government. [*Here follows list of inland waters, &c.*]

This permission will only be granted if the use of the ova or the ova-bearing salmonidæ caught (salmon, salmon-trout, trout, &c.) is guaranteed to be for the purposes of artificial fish breeding. This permission is to be withdrawn if the obligations undertaken are not fulfilled.

(3.) In all other inland fishery waters not previously distinguished in (2) during the period from 6 o'clock in the morning of the 15th April to 6 o'clock in the evening of 14th June a further weekly close time exists (spring close season), during which fishery may only be carried on on three days in each of the weeks falling within the close season, beginning on Monday morning at 6 o'clock, and ending on Thursday morning at 6 o'clock.

After the constitution of a sufficient number of close fishing grounds, the President of the Government may allow fishing to be carried on on a further two days in each of the weeks falling within the close season in addition to the days allowed by the preceding clause.

(4.) In the fishing grounds belonging to coast fisheries in the period from 6 o'clock in the morning of 15th April to 6 o'clock in the evening of the 14th June (spring close season):

(*a.*) Fishing must not be carried on in such parts of the waters as contain the spawning grounds of the more important fish.

The determining and delimitation of these waters will be made known by the President of the Government.

(*b.*) Fishing must not be carried on with nets dragging with the current (trawl nets, &c.) or with nets provided with many so-called "panes."

The President of the Government is empowered to allow exceptions from the preceding restrictions (*a*) and (*b*).

(*c.*) "Strömling"* fishery may only be carried on after the previous authorisation by the President of the Government.

§ 5. During the periods of the weekly and yearly close seasons described in § 4 (1), (2), and (3), the President of the Government may in exceptional cases allow the following kinds of fishery to be carried on:—

(1.) The catching of such fish as usually appear suddenly in large shoals and disappear again rapidly, such as herrings, sprats, lampreys, sturgeon, and smelts, may be allowed with such appliances as are only intended and used for the capture of these kinds of fish.

(2.) Fishermen, who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances with nets, bow-nets, baskets, or lines, may be allowed to take up their appliances and set them again if no injurious impediment to the passage of migratory fish is to be feared by so doing. This exception may also be granted in the case of appliances and tackle of the above kind used and intended only for the capture of eels.

(3.) Rod-fishing may be allowed.

(4.) In the interests of scientific investigation or researches for the public good, or for purposes of artificial fish breeding, or finally for the protection of other kinds of fish against fish of prey, the catching of certain kinds of fish not mentioned above may be allowed in exceptional cases, as far as necessary, and under suitable controlling rules.

In every case where permission to fish is granted during close time, the use of such allowable fishing appliances as are most likely to be harmful to fry is not to be included in the permit.

§ 6. If urgent considerations with regard to the maintenance of the stock of fish, or of certain kinds of fish, necessitate it, fishing, during the spring close time laid down in § 4 (3) may be entirely prohibited by means of a local police-ordinance in certain waters or parts of waters, or may be restricted beyond the extent stated above, *i.e.*, the catching of certain kinds of fish or the use of certain sorts of fishing tackle may be entirely prohibited for the whole close season.

§ 7. In waters in which "*Maräne*" or grayling are to be found in large quantities, the catching of "*Maräne*" for four weeks within the period from the beginning of November to the end of December, and of grayling for four weeks within the period from the middle of February to the end of June, may be prohibited by means of a local police ordinance.

Similarly the catching of certain other commercially important species of fish may be prohibited for a period not exceeding six weeks, in addition to the yearly close seasons in particular parts of waters, if it is for the purpose of preserving that kind of fish.

§ 8. The President of the Government is empowered—

(1.) to change the weekly close time [§ 4 (1)] to the period from 6 o'clock on Sunday morning to 6 o'clock on Monday morning, for the whole district, for certain waters or for certain parts thereof;

* A kind of small herring.

2.) after a continuously cold winter, to fix as the spring close season for inland fishery waters, [§ 4 (3)] and for coast fishery waters [§ 4 (4)] six weeks within the period from the 15th April to the 15th July, for the whole district, for certain waters, or for certain parts thereof;

§ 9. The Minister for Agriculture, Lands, and Forests is authorised—

(1) to order the commencement of the winter close season prescribed in § 4 (2) for any of the waters referred to above in § 4 (3) when these are open to the passage of migratory fish or contain salmonidæ;

(2) to order the commencement of the spring close season prescribed in § 4 (3) for any of the waters referred to above in § 4 (2);

(3) to regulate the yearly close seasons set out in § 4 for waters which in their course touch non-Prussian territory, in conjunction with the neighbouring Government concerned; and

(4) to regulate in a uniform manner the yearly close seasons laid down in § 4, for waters belonging to the several provinces or Government districts.

The limits between spring and winter close times for particular waters should, as far as requisite, be made known by local notices to be put up by the State.

§ 10. During the periods of the weekly and annual close times prescribed in § 4, those stationary fishery appliances not prohibited by the Fishery Law of 30th May 1874 in non-enclosed waters must be removed or taken away (§ 28 of the Law).

So far as allowed by considerations relative to the preservation of the stock of fish, the President of the Government may sanction exceptions from the prescriptions of the previous clause (Article III. of the Law of 30th March 1880).

§ 11. §§ 4 to 9 are not applicable to crab fisheries.

In the period from November 1st to May 31st inclusive crab fishing is prohibited in all non-enclosed waters.

If, during the regulation close season, crabs should come alive into the hands of fishermen, they must be immediately put back into the water with all care necessary to their preservation.

If urgent considerations with regard to the maintenance of the stock of crabs in particular waters demand it, the catching of female crabs bearing eggs or young may be prohibited by means of a local police ordinance, and in extreme cases the sale of female crabs may temporarily be prohibited.

§ 12. The following are prohibited in coast fishery waters and non-enclosed inland fishery waters:—

(1.) The use of destructive or explosive materials (poisoned bait or the use of any means for stunning or destroying fish, explosive cartridges, or other explosives, &c.) [§ 21 of the Law].

(2.) The use of means for wounding fish, as spears, traps with springs, tridents, rakes, hoes (eel-hoes, &c.) lances, stakes, firearms, &c.

Rights to the use of spears are not affected by the above regulations if the person holding such rights only fishes by means of this implement alone.

The use of fishing rods is allowed.

In coast fishery grounds the use of spears for eel fishing may be sanctioned by the President of the Government in the period from the 15th October to the beginning of the spring close season, subject where necessary to the erection of a special construction for this method of fishing.

Furthermore, in the above-mentioned waters, the following are prohibited:—

(3.) Driving fish together at night by means of lights or torches.

(4.) Means of driving fish together, such as beating with poles, throwing stones, chasing, rattling or clattering on board a boat &c. &c.

The President of the Government may allow exceptions from this prohibition for certain methods of catching fish.

(5.) Finally, the use of drag-nets, which are dragged along the bottom of the water by sail or steam power, is prohibited in the Baltic as far as it is subject to the authority of the Province of West Prussia.

§ 13. Non-enclosed waters may not be dammed up nor drained off for fishing purposes without the permission of the inspecting authorities (§ 46 of the Law).

§ 14. Fish weirs and fences and so-called traps ("*Selbstfänge*") in connection therewith for salmon and eel must not be newly constructed without specified rights therefor.

The President of the Government may, however, sanction such fishery appliances temporarily for the purposes of obtaining spawn and fry for artificial fish-breeding, subject to the conditions imposed by § 20 of the Fishery Law.

§ 15. For fisheries in non-enclosed waters no fishing tackle (nets, &c.) of any kind may be used of which the meshes when wet do not measure at least 2·5 c.m. in width in every part (the measurement being made from the middle of one knot to the middle of the next).

This rule applies to all parts and sections of fishing tackle; but for nets provided with so-called "channels" (*Kehlen*) the minimum measurement does not apply to the "channels."

* In the case of drag-nets, summer and winter nets having "wings" at least 50 metres long may be allowed by the President of the Government to have meshes 1·8 c.m.'s wide in the last third of the "bag," and meshes 2·2 c.m.'s wide in the remaining part of the bag and in the first quarter of the "wing."

In the case of drag-nets with wings less than 50 metres long and of "*Klappen*" nets without "wings," the President of the Government may sanction a width of mesh of 2·2 c.m.'s in the last third of the "bag."

† A special decree will determine the minimum width of mesh allowable for fishery appliances which are exclusively intended for catching eels, crabs, lampreys, and stickleback, with the exception of the eel-pots commonly used in the Haff and on the sea coast.

The President of the Government may sanction the use of fishing tackle—

for catching	ruff,	the minimum width of the meshes of which is			1·3 c.m.
,,	bleak,	,,	,,	,,	0·7 ,,
,,	smelts	,,	,,	,,	0·4 ,,

He is, moreover, empowered, in cases of necessity, to allow further exceptions from the above-mentioned width of mesh, for certain fishing tackle and for the catching of other kinds of fish, namely, minnows, "*maipiere*," loach, and goby. In all such cases, however, the President of the Government is authorised to draw up restrictive regulations as to the nature, size, and construction of this tackle, and as to the extent, manner, and period of its use.

If urgent considerations, with regard to the maintenance of the stock of fish or of an important species of fish necessitate it, the use of any harmful fishing tackle may be entirely prohibited in separate waters or parts of waters, or restricted in a manner exceeding the above rules by means of a local police ordinance.

§ 16. The passage of fish in running waters may not be blocked for fishing purposes either by means of fixed tackle or by means of fishery appliances fixed to or connected with the bank or bed of the river (snares, block-nets, &c.) for more than half the width at ordinary low water, measured in the shortest straight line from bank to bank, without the permission of the inspecting authorities.

* The supplementary clause from here to the end of the next paragraph was instituted by a Supreme Decree of 10th May 1893 (C. of L. 1893, p. 87).

† Clause 5 of § 15 received the new form given above by a Supreme Decree of 10th May 1893 (C. of L. 1893, p. 87).

Several sets of fishing tackle of the same kind may only be spread out or put up on the same or opposite sides of the river at a distance from one another of at least three times the length of the largest net.

If trawling is carried on by means of several nets at the same time, they must be as far apart as at least twice the length of the largest net.

No fisherman may come into the line of any person already engaged in fishing, or encroach on the line of operation of any person who has already spread his fishing tackle.

No fisherman may set his nets in any other person's circle of nets marked out by poles, by pieces of ice hewn out of the ice with an axe, or by other means.

No fisherman may, however, reserve as a fishing station any place other than that where he is actually fishing.

If a fisherman who has marked out a place for setting up his winter nets, does not make use of the place during the ensuing 24 hours, any other fisherman may use the place thus marked out.

§ 17. The prosecution of fishing in navigable waters must not impede nor be detrimental to navigation.

Fixed or floating fishery appliances and all other fishing tackle must be so set up or spread out as not to impede the free passage of ships and ferry boats.

Stakes put up for the purposes of supporting fishing tackle must project at least 1 metre above mean water level, and must be removed when the fishing is concluded.

Fishermen are forbidden to allow posts to remain in position when broken or sawn off below the level of the water.

In coast fishery waters the ferries, main channels of rivers, straits, and the entrances to lakes, rivers, streams, canals, &c. must not be blocked with stationary nets.

Further regulations will be issued in the form of local police ordinances, if necessary, as to distinguishing marks for fishing tackle when spread out, for the protection of navigation.

§ 18. Care should be taken by fishermen when fishing that tuns, buoys, and other marks for the indication of channels or for marking out close fishing grounds should not be carried away nor displaced by nets or lines. Should such marks be displaced, the matter must be at once reported by the fisherman to the nearest pilot station or police authorities.

Fixed nets must not be placed within a distance of 75 metres of main navigation channels in the Haff and in the Putzig Wiek, marked out by fixed points on land or by tuns, barrels, or buoys in the water.

§ 19. During winter fishing, fishermen must place the pieces cut out of the ice in an upright position in immediate proximity to the openings and holes made, and must not push them under the ice. Holes for letting down and pulling up nets must be marked out by bushes or in some other easily visible manner.

No holes may be made in or next to beaten tracks marked out on the ice, or within a distance of at least 4 metres from them.

It is forbidden to remove or displace marks erected on ice tracks.

Detailed regulations for the execution of the provisions of this paragraph may be made by means of a local police ordinance.

§ 20. The provisions of the law for the prevention of collisions of vessels at sea are applicable to the prosecution of coast fishery.

Every vessel used for coast fishery purposes must also have externally on the port bow and externally on the starboard side of the stern at least the first three letters of the name of the locality inhabited by the owner as well as the number of the fishery certificate granted to him, deeply cut in letters of at least 6 c.m. in height in white oil paint on a black ground.

Sailing vessels must in addition carry a similar distinguishing mark on the sail which must be easily visible on both sides. Each letter must be at least

30 centimetres high, and must be painted black if the sails are white or bright coloured—white if the sails are dark.

In addition to the preceding distinguishing marks, Haff fishermen must fly at the masthead of their vessels a flag at least 75 centimetres long and 30 centimetres wide, of whatever colour fixed by the authorities of the locality which they inhabit.

Where, however, Haff fishermen carry peculiarly shaped flag frames at their mastheads, in accordance with an old custom, the length and breadth of the local flag provided for above may be disregarded, subject to the condition that the flag frame used should contain the colour prescribed.

The President of the Government is empowered to prescribe special distinguishing marks for vessels engaged in the inland fishery and the fish trade.

Other ordinances which may be necessary in the interests of general trade or navigation may be issued by means of local police ordinances.

§ 21. Officials charged with the duties of fishery police must, in the execution of their duty, wear the prescribed uniform of their official position, or a metal plate on their breast denoting such position. Fishery inspectors appointed by municipalities, associations, or private persons must, in the execution of their duty, wear a badge to be determined by the President of the Government.

On service vessels employed for fishery supervision the Royal Chief Master of Fisheries must fly the German "Kriegsflagge," with a blue anchor in the left-hand bottom quarter, and the letters K. F. in red on either side thereof; also a jack flag in the German colours bearing the above-mentioned device on the white stripe. The other royal fishery supervision officials are only to fly the flag *or* jack flag, which they must hoist at the usual times, according to their judgment.

Moreover, in the Haff, the Chief Fishery Inspector (R. Chief Master of Fisheries) may fly a red signal flag with the Prussian Eagle on a white shield, and a pennant bearing the Prussian Eagle; the other fishery inspectors either the flag or pennant only.*

A red signal lantern is to take the place of flags, &c., at night.

Overseers (inspectors) appointed by private persons or associations are to fly a flag to be fixed in detail by the President of the Government.

Persons in charge of vessels must, when hailed by fishery officials or overseers, or signalled to by means of repeated hoisting, lowering, and re-hoisting of flags and lanterns, at once shorten sail or stop rowing, and lay to.

Any person hailed by a fishery inspector or overseer must comply with the order, and especially if on the ice, he must not move from the spot until he has been expressly empowered to do so.

§ 22. Contraventions of the provisions of this ordinance—so far as they are not subject to the penal provisions of the Fishery Law of 30th May 1874 (§§ 49 *et seq.*) or of the penal code for the German Empire—will be punished by the infliction of a fine not exceeding 150 marks, or imprisonment.

At the same time the tackle unlawfully used for fishing may be confiscated.

§ 23. The Minister of Agriculture, Lands, and Forests is empowered to abrogate wholly or in part, for those inland fishery waters or coasts which are not exclusively under our authority, the provisions of this ordinance relating to fishery restrictions, to prohibited fishing tackle, and to the nature of the fishery appliances allowable.

§ 24. The powers conferred on the President of the Government in this ordinance are to be observed by the President of the Government in Königsberg for those parts of the Frische Haff belonging to the Government District of Dantzig.

§ 25. This ordinance is to come into force on the 1st October 1887.

Simultaneously the ordinances of 11th May 1877 (C. of L., p. 141), and of the 9th June 1884 (C. of L., p. 294) relating to the execution of the Fishery Law in the province of Prussia, are abrogated.

* The Regulations given here have been amended by a Supreme Decree of January 27th, 1894.

WEST PRUSSIA.

Existing legal regulations of the province concerning the ownership of waters or the limits of fishery rights are not affected by this ordinance.

Given under our hand and seal,

8th August 1887. WILLIAM.

Notification of the President of the Government relating to the use of Spears for Eel Fishing. November 25, 1887.

Spears, with points without barbs, may be used in coast fishery grounds from October 15th to April 14th.

Notification of the President of the Government relating to the Delimitation of the Close Fishing Grounds included in the Estuaries of the Rheda and Strömming Rivers. January 17, 1888.

Notification of the President of the Government relating to the Delimitation and Demarcation of the Waters in Putzig Bay, containing the Spawning Grounds of important kinds of Fish. October 10, 1889.

Notification of the President of the Government relating to Restrictions of the Coast Fishery in Pudzig Bay during the Spring Close Season. May 10, 1889.

Notification of the President of the Government relating to Fishing Tackle. November 26, 1889.

(The meshes of) nets, &c. must not be more* than 2·5 c.m. wide. From March 1st to June 30th (meshes of) a width of 1 c.m. for herring and sprat fishery are allowed, and of 0·5 c.m. for sand-eel up to 100 metres from the coast.

Notification of the President of the Government relating to Fishing Tackle. April 5, 1890.

Meshes of eel pots may be 1·3 c.m. wide from March 15th to November 1st.

Notification of the President of the Government relating to the Distinguishing Marks of Vessels engaged in Inland Fisheries, and in the Fish Trade in Coast and Inland Waters. October 22, 1891.

Notification of the President of the Government relating to Sunday Close Time. March 23, 1895.

Fishermen carrying on the so-called "still fishery" (*stille fischerei*) without fixed appliances with nets, weels, baskets, or lines may take up and spread out again their fishery apparatus in use, from 2 o'clock on Sunday afternoon during the period from October 1st to May 1st.

Police Ordinance of the President of the Government relating to the Prohibition of the use of Tarred Nets before they are dry. April 6, 1895.

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* *Sic* in original.

Province of Pomerania.

Ordinance relating to the execution of the Fishery Law of May 30, 1874, *in the Province of Pomerania. August* 8, 1887.

(C. of L. 1887, p. 360.)

We, William, by the Grace of God, King of Prussia, &c., decree on the basis of and for the execution of the Fishery Law of the 30th May 1874 (C. of L., p. 197 *et seq.*) for the Province of Pomerania, after consultation with the Diet of the Province, as follows:—

§ 1. In the order the following is to be considered as the line of demarcation between the inland and coast fisheries. The main dam between Stettin and Altdamm, on the condition that in the harbour territory of the town of Stettin the Unterbaum bridge should be the dividing line.

Those ports of the Oder and their connecting canals lying below this line, the Dammsche Lake and its connections with the Oder, the Papenwasser, the Haff and its outlets into the Baltic (the Peene, the Swine, and the Dievenow, with their tributaries), and the bays and lakes freely connected with these waters (Neuwarper Lake, Usedomer Lake, Achterwasser, Wiek, Vietziger Lake, Camminer, Bodden, Fritzower Lake, &c.) all belong to the coast fishery.

§ 2. The following regulations are applicable to fishery in non-enclosed waters:—

(1.) The catching of spawn and fry is prohibited.

(2.) Fish of the under-mentioned kinds may not be caught unless they have attained at least to the following sizes, measured from the top of the head to the end of the caudal fin:—

Sturgeon [Acipenser sturio]	100 c.m
Salmon [Salmo salar]	50 „
"*Grosse Maräne*" [Coregonus maraena Bloch]	40 „
Perch-pike [Lucioperca sandra]	35 „
Eels [Anguilla vulgaris Flemming]	
Bream [Abramis brama]	28 „
Salmon trout [Salmo trutta]	
Shad (Alose) [Clupea alosa]	
Shad [Clupea finta]	
Carp [Cyprinus carpio]	
Pike [Esox lucius]	
Tench [Tinca vulgaris Cuv.	20 „
Chub [Leuciscus idus]	
"*Schnepel*," "*Nordseeschnepel*" [Coregonus oxyrhyncus] "*Ostseeschnepel*" [Coregonus lavaretus]	
"*Nase*" [Chondrostoma nusus]	
Trout [Salmo fario]	
Grayling [Thymallus vulgaris Nilsson]	18 „
Perch [Perca fluviatilis]	15 „
Roach [Leuciscus rutilus]	
Rudd [Scardinius erythrophthalmus]	
Flounders [Pleuronectes flesus]	
Plaice [Pleuronectes platessa]	
"*Karausche*" [Carassius vulgaris Nordmann]	13 „
"*Kleine Maräne*" [Coregonus albula]	
Crawfish ("*Krebs*") [Astacus fluviatilis Rondelet]	10 „

The last-named from the top of the head to the end of the tail.

The Minister for Agriculture, Lands, and Forests is empowered, for whole fishery grounds or for separate parts thereof, to raise the minimum measurement for sturgeon to 120 c.m., for salmon trout to 50 c.m., for crabs to 12 c.m. and to increase the minimum measurement given for flat fish and also to prescribe minimum measurements for varieties of flat fish not given above and for cod.

(3.) Spawn and fry, and also fish of the kinds distinguished in (2) which are smaller than the size specified there, must, should they come alive into the fisherman's hands, be at once put back into the water with all care necessary to their safety.

(4.) Fish of the kinds distinguished in (2) which are smaller than the size there specified must not be used as bait.

(5.) In the interests of fish-breeding, scientific investigation, or researches for the public good, the inspecting authorities (§ 46 of the Law) may allow (temporarily and provisionally only) individual holders of fishery rights to take spawn and fry as well as fish and crabs of a size less than that specified in (2).

§ 3. With the reservation of the exceptions given in § 27 of the Law and in he preceding § 2 (5), spawn and fry as well as the fish specified in § 2 (2), maller than the size given there, may be neither exposed for sale, nor sold, or sent away, without distinction as to whether they were caught in enclosed r non-enclosed waters.

Spawn and fry and fish below the allowable limit of size taken in non-nclosed waters may be used neither for the manufacture of fish oil, nor for ood for cattle, nor for manure or the preparation of manuring substances, nor or any other commercial or industrial purpose.

Should urgent commercial reasons necessitate it, however, the President of he Government may allow exceptions from this last prohibition temporarily nd for certain waters.

§ 4. The following instructions are imposed on fisheries :—

(1.) In coast fishery waters and non-enclosed inland fishery waters fishing is prohibited from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening (weekly close time).

(2.) From 6 o'clock in the morning of the 15th October to 6 o'clock in the evening of the 14th December (winter close season) fishing in the following inland fishery waters may only be carried on by special permission of the President of the Government. [*Here follows list of inland waters, &c.*]

This permission will only be granted if the use of the ova or the ova-bearing salmonid e (salmon, salmon trout, trout, &c.) caught is guaranteed to be for the purposes of artificial fish-breeding. This permission is to be withdrawn if the obligations undertaken are not fulfilled.

(3.) In all other inland fishery waters not previously distinguished in (2), during the period from 6 o'clock in the morning of 10th April to 6 o'clock in the evening of the 9th June, a further weekly close time exists (spring close time), during which fishing may only be carried on on three days in each of the weeks falling within the close season, beginning on Monday morning at 6 o'clock and ending on Thursday morning at 6 o'clock.

After the constitution of a sufficient number of close fishing grounds, the President of the Government may allow fishing to be carried on on a further two days in each of the weeks falling within the close season in addition to the days allowed by the preceding clause.

(4.) In coast fishery grounds the following restrictions are applicable to fishing during the period from 6 o'clock in the morning of the 10th April to 6 o'clock in the evening of the 9th June :—

A.

Fishing must not be carried on in the following fishing grounds :—

(*a.*) The Channel, the "Krams" in the Saaler Bodden, which extends from the line between the fishery landmark at Eichort, near Michaelsdorf, and the western end of the village of Born, on the Dars, to the two

north-west buoys of the so-called Sound (*i.e.*, the entrance channel into the Saaler Bodden), and also 100 metres from each end outside the "Krams."

(*b.*) The Straits of Meiningen and Bitte, so far as they lie opposite the Bresewitz landmark, and 100 metres from each end thereof.

(*c.*) The fishing grounds near Barhöft from the western limit of the local close fishing ground to the line from the Solken village mill to the eastern point of the large island near Pramort.

(*d.*) The Straits of Trog, near the Hiddensöer Channels.

(*e.*) The Selliner Lake.

(*f.*) The Neuensiener Lake.

(*g.*) The Wrechener Lake.

(*h.*) The Schoritzer Bay.

(*i.*) The Glevitzer Bay to the line from Tannenort to Zudar.

(*k.*) The Kemenate, near Prosnitz.

(*l.*) The Gustower Bay from Kindelbier-Haken to the "einzelne Weide," * on the Prosnitz bank.

(*m.*) The Wampener Bay.

(*n.*) The Deviner Lake.

(*o.*) The Gristower Bay.

(*p.*) The Kooser Lake.

(*q.*) The southern part of the Danish Bay as far as the line from the South Mole, near Wiek, to the Rieshaken, near Ludwigsburg.

(*r.*) The Kubitzer Bodden, east of the line from Gross-Kubitz to the western extremity of the island of Libitz, and from here to Rambin.

(*s.*) The fishing grounds between the islands of Ummanz and Rügen.

(*t.*) The Neuendorfer Bay northwards to the island of Bökel.

(*u.*) The Tetzitzer Lake as far as Gute Grubnow.

(*v.*) The Pulitzer inlet as far as the line from Pulitzer Haken to Trips.

(*w.*) The Spyker Lake as far as Spykerschen Wedde.

(*x.*) The Prerower River southwards to Blüten.

(*y.*) The Wedde and Hundebäck, near Karsin Orte, in Dars.

(*z.*) The Neben Lake.

(*zz.*) The Straits of Lietzower Fähre

The boundaries of the above-mentioned fishing grounds shall, where necessary, be especially defined.

The Minister for Agriculture, Lands, and Forests is empowered to increase or diminish this list in accordance with the conditions of §§ 29–34 of the Fishery Law of May 30th, 1874.

B.

Drag nets, &c. may not be used in the Schaar, in inlets, over spawning grounds, or at the borders of reed, sedge, and rush beds.

The delimitation and demarcation of the localities concerned are to be determined by the President of the Government.

C.

Fixed nets (weels, bow nets, &c.) and baskets must not be placed over spawning grounds, in reed, sedge, and rush beds, or at the borders thereof; and they must not be placed so as to block the approaches to these places.

The delimitation and demarcation of the localities concerned are to be determined by the President of the Government.

* Lit. "single willow-tree."

Nets drifting with the current (trawl nets, ground nets, &c.), and nets with several "panes" ("*Lädering*"), must not be used.

The President of the Government is empowered to sanction exceptions from the preceding restrictions (B. to D.).

§ 5. During the periods of the weekly and yearly close seasons provided for in § 4 (1), (2), and (3), the President of the Government may, in exceptional cases, allow the following kinds of fishery to be carried on :—

(1.) The catching of such fish as usually appear suddenly in large shoals and disappear again rapidly, such as herrings, sprats, lampreys, sturgeon, and smelts, may be allowed with such appliances as are only intended and used for the capture of those kinds of fish.

(2.) Fishermen who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances with drift nets, bow nets, baskets, or lines, may be allowed to take up their tackle and set it again if no injurious impediment to the passage of migratory fish is to be feared by their doing so. This exception may also be permitted in the case of appliances and tackle of the above kind solely used and intended for the capture of eels.

(3.) Rod fishing may be allowed.

(4.) In the interests of scientific investigation, or researches for the public good, or for the purposes of artificial fish-breeding, or, finally, for the protection of other kinds of fish against fish of prey, the catching of certain kinds of fish not mentioned above may be allowed in exceptional cases, so far as necessary, and under suitable controlling rules.

In every case where permission to fish is granted during close times, the use of such allowable fishery appliances as are principally intended for the capture of fry is not to be included in the permit.

§ 6. If necessitated by urgent considerations with regard to the maintenance of the stock of fish, or of certain kinds of fish, fishing during the spring close season laid down in § 4 (3) may be entirely prohibited by means of a local police ordinance in certain waters, or parts of waters, or may be restricted beyond the extent stated above, *i.e.*, the catching of certain kinds of fish, or the use of certain sorts of fishing tackle, may be entirely prohibited for the whole close season.

§ 7. In waters in which "*Maräne*" or grayling are to be found in large numbers, the catching of "*Maräne*" for four weeks within the period from the beginning of November to the end of December, and of grayling for four weeks within the period from the middle of February to the end of June, may be prohibited by means of a local police ordinance.

Similarly the catching of other commercially important kinds of fish may be prohibited for a period not exceeding six weeks in addition to the yearly close seasons, in particular parts of waters, if it is for the purpose of preserving that kind of fish.

§ 8. The President of the Government is empowered—

(1) to change the weekly close time [§ 4 (1)] to the period from 6 o'clock on Sunday morning to 6 o'clock on Monday morning for the whole district, for certain waters, or for certain parts of waters;

(2) after a continuously cold winter, to fix as the spring close season for inland fishery waters [§ 4 (3)], and for coast fishery waters [§ 4 (4)], six weeks within the period from the 15th April to the 15th July, for the whole district, for certain waters, or for certain parts thereof.

§ 9. The Minister for Agriculture, Lands, and Forests, is authorised—

(1) to order the commencement of the winter close season prescribed in § 4 (2) for any of the waters referred to above, in § 4 (3), when these are open to the passage of migratory fish, or contain salmonidæ;

(2) to order the commencement of the spring close season prescribed in § 4 (3) for any of the waters referred to above in § 4 (2);

(3) to regulate the yearly close seasons set out in § 4 for waters which in their course touch non-Prussian territory, in conjunction with the neighbouring Government concerned; and

(4) to regulate in a uniform manner the yearly close seasons prescribed in § 4 for waters belonging to several provinces or government districts.

The limits between spring and winter close times for particular waters should, as far as necessary, be made known by local notices to be put up by the State.

§ 10. During the periods of the weekly and annual close seasons prescribed in § 4, those stationary fishery appliances not prohibited by the Fishery Law of 30th May 1874, in non-enclosed waters must be removed or taken away (§ 28 of the Law).

So far as allowed by considerations relative to the maintenance of the stock of fish, the President of the Government may sanction exceptions from the provisions of the previous paragraph. (Art. III. of the Law of 30th March 1880.)

§ 11. §§ 4 to 9 are not applicable to crab fisheries.

In the period from November 1st to May 31st inclusive the catching of crabs in all non-enclosed waters is prohibited.

If during the regulation close season crabs should come alive into the hands of fishermen they must at once be put back into the water with all care necessary to their safety.

If urgent consideration with regard to the maintenance of the stock of crabs in particular waters demand it, the catching of female crabs bearing eggs or young may be prohibited by means of a local police ordinance, and in extreme cases the sale of female crabs may temporarily be prohibited.

§ 12. The following are prohibited in coast fishery waters and non-enclosed inland fishery waters:—

(1.) The use of destructive or explosive materials (poisoned bait or the use of any means for stunning or destroying fish, explosive cartridges, or other explosives, &c.) [§ 21 of the Law].

(2.) The use of means for wounding fish, as spears, traps with springs, tridents, rakes, hoes (eel hoes, &c.), lances, stakes, firearms, mussel rakes, landing nets, &c.

Rights to the use of spears are not affected by the above regulations if the person holding such rights only fishes by means of this implement alone.

The use of fishing rods is allowed.

In coast fishery grounds the use of spears for eel fishing may be sanctioned by the President of the Government in the period from the 15th October to the beginning of the spring close season, subject, where necessary, to the erection of a special construction for this method of fishing.

Furthermore, in the above-mentioned waters, the following are prohibited:—

(3.) Driving fish together at night by means of lights or torches.

(4.) Means of driving fish together, such as beating with poles, throwing stones, chasing, rattling or clattering on board a boat, &c., &c.

The President of the Government may allow exceptions from this prohibition for certain fishing methods.

§ 13. Non-enclosed waters may not be dammed up, nor drained off, nor cut off for fishing purposes, without the permission of the inspecting authorities.

§ 14. Fish weirs and fences, and so-called traps ("*Selbstfänge*") in connection therewith for salmon and eel must not be newly constructed without specified rights therefor.

The President of the Government may, however, sanction such fishery appliances temporarily for the purpose of obtaining spawn and fry for artificial fish-breeding, subject to the restrictions imposed by § 20 of the Fishery Law.

§ 15. For fisheries in non-enclosed waters no fishing tackle (nets, &c.) of any kind or description may be used of which the meshes, when wet, do not measure at least 2 · 5 centimetres in width in every part (the measurement being made from the middle of one knot to the middle of the next).

This regulation applies to all parts and sections of fishing tackle; but for nets provided with so-called "channels" ("*Kehlen*") the minimum measurement does not apply to the "channels."

The President of the Government is, however, empowered to allow fishermen to make use of old nets with a 2-centimetre mesh during a transition period of at most 3 years from the promulgation of this Law.

The minimum width of mesh allowable for fishing tackle intended and used exclusively for catching eels, lampreys, and stickleback will be determined by a special decree.

The President of the Government is empowered to sanction, in cases of necessity, exceptions from the above-mentioned width of mesh for certain kinds of tackle, and the capture of certain kinds of fish, *i.e.* herrings, smelt, minnows, bleak, "*Maipiere*," loch, and goby.

In all such cases, however, the President of the Government is authorised to draw up restrictive regulations as to the nature, size, and construction of this tackle, and as to the extent, manner, and period of its use.

If necessitated by urgent considerations with regard to the maintenance of the stock of fish of an important species of fish, the use of any harmful fishing tackle may be entirely prohibited in any waters or parts of waters, or restricted in a manner exceeding the above rules, by means of a local police ordinance.

§16. In coast fishery grounds narrow-meshed fishing tackle may be used as follows:—

(1.) Nets (drag nets, seines), fishery appliances consisting of a pouch without channel ("*Kehle*") and of two "wings," if the width of mesh in the pouch is at least 1 · 5 centimetres.

For the summer fishery in the waters of the Government District of Stralsund, from June 10th to October 15th inclusive, it is allowable to use small "*Garden*" (seines, trout-seines, &c.) with a width of mesh of 1 · 3 centimetres in the pouch and 1 · 7 centimetres in the wings, of which each one must not exceed 65 metres in length and 1 · 5 metres in depth (breadth). The depth (breadth) is to be taken as the perpendicular distance between the upper and lower edge when the net is dry.

For bleak and smelt fishing nets with meshes at least 0 · 7 centimetres wide may be used from the 15th October to the beginning of the spring close season.

The President of the Government is, however, empowered, for the purpose of protecting the stock of bleak, to limit bleak net-fishing in certain parts of waters to a shorter period than from October 15th to the beginning of the spring close season.

Fishing for smelts with nets may only be carried on in deep water and not in shallows or on shoals.

The President of the Government will determine the delimitation and demarcation of the parts of the waters concerned.

(2.) Seines, fishery appliances which consist of a "pouch" provided with a channel ("*Kehle*,") and two "wings" or slips, and are propelled through the water by means of one or two vessels—if they have meshes of at least 1 · 7 centimetres in width in the back (or towing) part.

This minimum measurement is not applicable to the part of the seine called the "after net" (rim or channel-piece).

Seine-nets which are moved by more than one vessel may not be used in the so-called Baltic inland waters of the Government District of Stralsund.

In the period from the 15th April to the 15th October inclusive it is allowable to affix to seines to the "channel" a back- or after-net (towing, or after part of the pouch), with meshes at least 1 centimetre in width.

In the waters of the Government District of Stettin, in the period from the 15th October to the beginning of the spring close season, seine-net fishermen, properly so-called (not "*Tuckern*," "*Taglern*," or "*Zollnern*"), are allowed to affix to the seines a so-called smelt-net (net without a "channel,") with meshes not less than 0 · 5 centimetres in width. The so-called small smelt seine fishery, which is carried on by means of two open boats running parallel with a smelt seine fastened between them is, however, only allowable from the melting of the ice to the beginning of the spring close season.

(3.) "*Streuer*" nets, a fishery appliance consisting of a pouch with or without a "channel," which is managed by a rowing or sailing boat, and is moved through the water in a circle and then hauled in at once—if the meshes are in all parts—

not less than 1 · 3 centimetres wide for eel and ruff "*streuer*" nets.
„ 1 „ „ in the after part of the pouch.
„ 1 · 7 „ „ for fish "*streuer*" nets.

The use of "*streuer*" nets for catching eel and ruff is only allowable in the period from 15th April to the 15th October, inclusive. "*Streuer*" nets which are used for catching flounders must have meshes of the width prescribed in § 15.

(4.) Bow-nets (fishery appliances consisting of nets drawn over hoops, with one or more "channels," and partially provided with wings or enclosing pieces) may be used for catching ruff in the period from the 10th June to the beginning of the spring close season, with meshes not less than 1 centimetre wide.

(5.) In the coast fisheries of the Government district of Stettin the fixed nets in use must, when dry, measure not more than 47 metres in length along the edge, drift-nets and trawl-nets not more than 38 metres, and the depth or breadth should not exceed 2 metres. Perch, roach, bleak and ruff trawl or ground nets must, when dry, measure not more than 22 · 5 metres in length along the edge, while their depth or breadth should be at most 1 · 2 metres, and the depth and breadth of ruff nets only 0 · 6 metres generally.

§ 17. With the exception of stake-nets (fishery appliances consisting of a pane of nets provided with a "*Lädering*" and held up by a stake); nets which are provided with several "panes" (so-called "*Lädering*") should only be used in the Baltic itself and in the so-called Baltic inland waters.

Stake-nets should not be longer than 19 metres.

Two or more stake-nets must not be joined together, nor must stake nets be placed in open water.

"*Zuren*"-nets (ground-nets with "*Lädering*") with meshes not less than 6 centimetres wide may be allowed by the President of the Government.

Under the above-mentioned restrictions the use of stake-nets is allowable in waters belonging to inland fisheries.

§ 18. The iron part of eel-spears must not be provided with more than one "*Kels*" (spike, pin, and barb). Moreover on each side of it there must be a space of at least 10 millimetres between it and the wooden handle.

In the waters belonging to the coast fisheries of the Government District of Stralsund the use of eel-spears with not more than 4 "*Kels*" may be allowed. Between the handle and the Kels there must be a space of at least 1 centimetre on each side.

§ 19. In waters belonging to coast fisheries, navigating courses, main river-channels, straits, and the entrances to inlets, lakes, rivers, streams, and canals must not be blocked with fixed nets.

Moreover, the placing therein of herring and bow-nets by means of fixed nets or weels or other nets, or so-called guide-nets, is not allowable. There must also be a space of at least 50 metres between every two sunk nets.

Nets may only be thrown out seawards at a distance of 200 metres from the extreme end pole of bow-nets (weels) or of other nets as the case may be, and in the same direction as the latter, and as the enclosing parts of bow-nets. Fishermen using seine or "*streuer*"-nets must keep at the same distance from herring and bow-nets.

The President of the Government may allow exceptions from the regulations given above in clauses 2 and 3 of this paragraph.

§ 20. In the waters belonging to the coast fisheries of Stralsund and Stettin, the setting of new herring-weels [fishery appliances consisting of a perpendicular pane of nets fastened to poles or anchoring appliances, and an enclosure of nets open at the top provided with a channel ("*Kehle*")], and also of eel-pots and bow nets, and the removal of old fishery tackle of the same kind, from one place to another, and the alteration of such appliances may only be carried out after obtaining permission from the Chief Fishery Inspector, who has to consider the interests of navigation, &c. in doing so.

The enclosing arms of herring weels must not as a rule exceed 225 metres in length.

The Chief Inspector of Fisheries is authorised to prescribe a greater or lesser length if necessary.

§ 21. The passage of fish in running waters or connecting waters may not be blocked for fishing purposes, either by means of fixed tackle or by means of fishery appliances fixed to or connected with the bank or bed of the river (weels, block-nets, &c.) for more than half the width at ordinary low water, measured in the shortest straight line from bank to bank, without the permission of the inspecting authorities.

Several sets of fishing tackle of the same kind may only be spread out or put up on the same or opposite sides of the river at a distance from one another of at least three times the length of the largest net.

No fisherman may come into the line of any person already engaged in fishing, or encroach on the line of operation of any person who has already spread out his fishing tackle.

Fishermen using nets, and anglers must, however, give way to fishermen using draw-nets, and in deep water to seine-net fishermen also. Failing this, seine and draw-net fishermen are entitled to take up the nets and lines spread out if they come into contact with them. Tackle thus taken up must be given back to the owners or handed over to the supervision authorities or inspectors within 8 days.

§ 22. During the period from the 1st April to the 1st September the collection of sea plants is prohibited. Seaweed thrown up on the shore is excepted from this prohibition.

§ 23. The prosecution of fishery in navigable waters must not interfere with or be detrimental to shipping.

Fixed or floating fishery appliances and all other fishing tackle must be so set up or spread out as not to impede the free passage of ships or ferry boats or check the flow of water.

Poles used for supporting nets, &c. of all kinds must project at least 1 metre above mean water level and must be removed when the fishing is concluded.

Fishermen are forbidden to allow posts to remain in position when broken or sawn off below the level of the water.

Further regulations for the marking of tackle spread out for fishing purposes will, if necessary, be issued in the form of police ordinances, for the protection of navigation.

§ 24. Care should be taken by fishermen when fishing that tuns, buoys, &c. and other marks for the indication of channels or for marking out close fishing grounds should not be carried away nor displaced by nets or lines. Should such marks be displaced the matter must be at once reported by the fisherman to the nearest pilot station or police authorities.

§ 25. During winter fishing, fishermen must place the pieces cut out of the ice in an upright position in immediate proximity to the openings and holes made, and must not push them under the ice.

It is only allowable to push pieces of ice under the ice-field near holes for drawing up nets, so far as they are not there necessary for marking out the open spot.

No holes for any purpose whatever may be made in or next to beaten tracks marked out on the ice, or within a distance of at least 4 metres from them.

It is forbidden to remove or displace marks erected on ice tracks.

Detailed regulations for the execution of the provisions of this paragraph may be made by means of a local police ordinance.

§ 26. The provisions of the law for the prevention of collisions of vessels at sea are applicable to to the prosecution of coast fishery.

Every vessel used for coast fishery purposes must also have externally on the port bow and externally on the starboard side of the stern at least the first three letters of the name of the locality inhabited by the owner as well as the number of the fishery certificate granted to him deeply cut in in letters of at least 6 centimetres in height in white oil paint on a black ground.

Sailing vessels must in addition carry a similar distinguishing mark on the sail, which must be easily visible on both sides. Each letter must be at least 30 centimetres high and must be painted black if the sails are white or bright coloured, white if the sails are dark.

The latter regulation is only to come into force six months after the promulgation of this ordinance.

The President of the Government is empowered to prescribe special distinguishing marks for vessels engaged in the inland fishery and the fish trade.

Other ordinances which may be necessary in the interests of general trade or navigation may be issued by means of local police ordinances.

§ 27. Officials charged with the duties of fishery police must, in the execution of their duty, wear the prescribed uniform of their official position or a metal plate on their breast denoting such position. Fishery inspectors appointed by municipalities, associations, or private persons must, in the execution of their duty, wear a badge to be determined by the President of the Government.

On service vessels employed on fishery supervision the Chief Fishery Inspector must fly the German "Kriegsflagge" with a blue anchor in the left-hand bottom quarter, and the letters K.F. in red on either side thereof; also a jack-flag in the German colours bearing the above-mentioned device on the white stripe. The other fishery supervision officials are only to fly one flag *or* jack flag, which they must hoist at the usual times according to their judgment.*

A red signal lantern is to take the place of flags, &c. at night.

Inspectors or overseers appointed by private persons or associations are to fly a flag to be fixed in detail by the President of the Government.

Persons in charge of vessels must, when hailed by fishery officials or overseers, or signalled to by means of repeated hoisting, lowering, and re-hoisting of flags and lanterns, at once shorten sail or stop rowing, and lay to.

Any person hailed by a fishery inspector or overseer must comply with the order, and, especially if on the ice, he must not move from the spot until he has been expressly empowered to do so.

§ 28. Contraventions of the provisions of this ordinance—so far as they are not subject to the penal provisions of the Fishery Law of 30th May 1874 (§§ 49 *et seq.*) or of the penal code of the German Empire—will be punished by the infliction of a fine not exceeding 150 marks, or imprisonment.

At the same time the tackle unlawfully used for fishing may be confiscated.

§ 29. The Minister of Agriculture, Lands, and Forests is empowered to abrogate wholly or in part, for those inland fishery waters or coasts which are not exclusively under the authority of the King, the provisions of this ordinance relating to fishery restrictions, to prohibited fishing tackle, and to the nature of the fishery appliances allowable.

§ 30. The provisions of this ordinance are not to be applicable to the Prussian part of the Saaler Bodden for the present.

* These regulations have been amended by a Supreme Decree of January 27th, 1894.

POMERANIA.

In place thereof the provisions of the Fishery Law of $\frac{8\text{th March}}{5\text{th June}}$ 1845 are to be continued.*

The Minister of Agriculture, Lands, and Forests is, however, empowered, after previous agreement with the Government of the Grand Duchy of Mecklenburg, to apply and put into force the provisions of this ordinance for fisheries for the Prussian part of the Saaler Bodden, wholly or in part.

§ 31. This ordinance shall come into force on 1st October 1887.

Simultaneously the ordinance of the 15th May 1877 (C. of L., p. 149), relating to the execution of the Fishery Law in the Province of Pomerania is abrogated.

Given under our hand and Seal, &c.,
8th August 1887,

(L.S.) WILLIAM.

CÖSLIN.

Government District of Cöslin.

Notification of the President of the Government relating to Distinguishing Marks on Fishing Tackle in use in the Absence of the Fisherman. July 2, 1875.

Decree of the Royal Government relating to the Prosecution of Fishing by Foreign Fishermen in the Waters and Harbours of the Government District of Cöslin. May 20, 1889.

Treats of the imposition of taxes on the prosecution of trade, travelling trade licences, &c. (A further decree for Colberg was promulgated on the 7th May 1889.)

Notification of the President of the Government relating to the Release of the Close Fishing Ground in front of the Estuary of the Leba from March 10th to May 15th. March 15, 1890.

Notification of the President of the Government relating to Badges and Flags to be borne by Fishery Inspectors (Overseers) appointed by Communes, Fishery Associations, or Private Individuals. May 13, 1890.

Notice of the President of the Government relating to Close Time and Fishing Tackle. August 31, 1895.

Permission to take up and lay down again nets and lines early on Sunday. Pushing nets (landing nets) for crabs allowed with meshes 0·7 centimetres wide. Shore nets for catching sand eels allowed with 2·5-centimetre meshes from 1st March to 31st October.

STETTIN.

Government District of Stettin.

Fishery Ordinance for those Parts of the Oder lying in Pomerania, the Haff, and its Outlets. July 2, 1859.

(C. of L. 1859, p. 453.)

EXTRACT.

Second Section.

Concerning the Restrictions imposed on Fishing Operations in order to afford Safe Entry of the Fish into the Waters.

§ 2. Fishing may not be carried on at all in the following places:—

I.

(1.) The estuary of the Peene, and also from a straight line drawn from the fortress at the mouth of the Peene to the establishment of Grün-Schwade on the

* *See* p. 79, Treaty between Prussia and Mecklenburg-Schwerin of 18th April 1898.

west bank, seawards, to two lines, of which one runs in an easterly direction from the main beacon on the island of Rüden to the north-eastern projection of the strip of land of the Peene estuary, and the other runs in a westerly direction from the above-mentioned beacon to a point lying between the two New Pomeranian localities of Freest and Spandowerhagen, at a distance of 80 rods from the last building belonging to Freest in the direction of Spandowerhagen, and marked out by a special fishery beacon.

(2.) The so-called channel of the Usedom Lake, and also from a line drawn perpendicularly from the north of the lake to the opposite Wilhelmshofer bank (this line to be marked out in detail by means of boundary marks by the Stettin Government) as far as a line to be drawn southwards in the Haff on the south side of the so-called Little Channel, and from the northern point of the so-called "*Wiesen-Kamp*" to both banks (the line to be marked out on these banks as above, by local boundary marks).

II. In the Neighbourhood of Swine River.

(1.) The so-called bend near the Lebbinschen Mountains from Papensteig to Lehmhöft.

(2.) The Quer River,

(3.) The old Deep or Tief.

(4.) The Heidefahrt until the lower entrance gets almost entirely blocked or stopped up, and this fact is publicly announced by the Government.

(5.) The Swine River:—

(*a*) from the Haff to the Salzgrundloch.

(*b*) from the posts standing near Klüss on one side of the Swine and near the Kalkosen wood on the other, to its entry into the Baltic.

(6.) At the entry of the Swine in the Baltic itself, for a distance of a quarter of a mile in every direction from the Moole and its outlets.

III. In the Divenow River.

(1.) The estuary of this river, from two lines of which one is drawn on the northern bank from a point where the eastern gable of the Kamminer Cathedral and the projecting high ground of Soltin on the river bank are in line to a point marked out by a fishery beacon on the southern bank, 200 paces north of the village of Soltin, and the other is drawn from Falkenberg where the boundaries of Soltin and Fritzow adjoin to the eastern gable of the club-house at Berg-Divenow.

(2.) That part of the Baltic around the estuary of the Divenow within a distance of a quarter of a mile in every direction.

§ 3. Net fishing is moreover allowed on the Peenemünder Haken and in the Spandowerhagen Bay.

§ 4. If shoals of herrings in unusual quantities appear in the close fishing grounds before the mouths of the Swine, Peene, and Divenow, the Government may allow herring fishery to be carried on under the supervision of an inspector during the months from March to June.

§ 5. Fishing may not be carried on in the main channel of the estuary of the Peene from Mönchow to the Zecheriner Fähre, with the exception of the local net fishery; also the construction of new weirs, fish-dams, &c., &c., and the enlargement of similar appliances already existing is prohibited.

§ 6. In the Peene from Gumzin to Quilitz, three spaces, 30 rods wide each, must be left in the rows of weels, and nets must on no account be set in these spaces.

§ 7. Any person fishing must carry a fishery permit with him and must produce it when requested to do so by fishery inspectors.

STETTIN.

Fishery permits belonging to people fishing not within the limits of their own rights must be issued by the person who has granted the authority to fish, and must be provided with a stamp of recognition and a number, by the Chief Fishery Inspector.

Fishery permits for persons fishing within the limits of their own rights will be issued on application to the Chief Inspector, but this permit has no effect upon the validity of the rights in case of dispute.

These fishery permits, which are issued free of cost and which are not transferable, are only valid for the persons and their staff, the periods, fishing grounds, nature and quantity of fishery tackle, and number of boats which they name.

Permits for fishing with eel-spears are only valid for those persons in whose name they are issued.

Police Ordinance relating to the Marking of Tackle spread out for Fishing. November 7th 1882.

Notification of the President of the Government relating to an Interval of at least 50 metres between every six Fixed Nets in the Pomeranian Gulf. February 29, 1888.

Notification of the President of the Government relating to Permission to use Ruff Nets as Ground Trawl Nets in the Spring Close Season. March 31, 1888.

Notification of the President of the Government relating to Permission to use Ruff Nets with Meshes 20 *c.m.* wide in Non-enclosed Waters. April* 9, 1888.

Notification of the President of the Government raising the Minimum Measurement for the Capture of Salmon Trout (Salmo Trutta) to 50 *c.m. November* 18, 1889.

Police Ordinance of the President of the Government Prohibiting the use of Bleak and Smelt Nets in certain Waters of the Coast Territory. September 12, 1896.

(Official Gazette of the Royal Government at Stettin, 1896, p. 254, and of May 7, 1897, p. 18.)

STRALSUND.

Government District of Stralsund.

Provincial Law of the Duchy of Neu-Vorpommern and of the Principality of Rügen.

EXTRACT.

§ 1704. Fishery in the open sea, in the deep water, and in the rivers in inland waters, belongs to the Crown, and must not be carried on by persons who are not entitled to carry on river fishery or who do not possess the right of fishing with seine nets.

§ 1705. On the other hand the right of fishing in salt water on shallows belongs to the owners of the neighbouring property, so far as these properties entirely border thereon, and so far as no other persons have rights for the use of the shallows.

§ 1706. Shallows, as a rule, extend as far as a man can wade.

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* *Sic* in original.

Fishery Ordinance for the Government District of Stralsund. August 30, 1865. STRALSUND.

(C. of L. 1865, p. 941.)

EXTRACT.

§ 49. All persons fishing must carry a fishery permit with them, and must produce it when requested to do so by fishery inspectors.

Fishery permits for persons fishing beyond the limits of their own rights must be issued by the person who has granted the authority to fish, and must be provided with a confirming stamp and a number by the Chief Fishery Inspector.

Fishery permits for persons fishing within the limits of their own rights will be issued upon application to the Chief Inspector.

This permit, however, has no effect upon the validity of the rights.

These fishery permits, which are issued free of cost and which are not transferable, are only valid for the persons and their staff, the periods, fishing grounds, nature and quantity of fishing tackle, and number of boats to which they refer.

Permits for fishing with eel spears are only valid for those persons in whose names they are issued.

Law amending and enlarging some Provisions of the Fishery Ordinance for the Government District of Stralsund of August 30, 1865. *April* 22, 1869.

(C. of L. 1869, p. 649.)

EXTRACT.

§ 3. Fishing may not be carried on at all in the following waters:—

(1.) The waters within a hundred rods seawards in every direction from the northern mouth of the Prerow River, and similarly for a quarter of a mile inland from this mouth.

(2.) The waters as far as a quarter of a mile seawards in every direction from the north-east corner of the Pramort beacon.

(3.) The waters east of the Bock Sandbank to the shallows of the southern point of Hiddensoe: towards the north as far as a straight line from the north-east corner of the Bock Sandbank to the tower of the church in Schaprode; towards the south as far as the bifurcation of the Vierendels River and the stream flowing west from there.

(4.) The bay of Libben between the northern part of the island of Hiddensoe and the Bug Peninsula, together with the Bessiner River in the neighbouring territory:

Towards the north—a straight line between the church tower in Kloster on Hiddensoe and the church tower at Wieck on Wittow;

Towards the east—a straight line between the pilot station at Wittow and the church tower at Schaprode;

Towards the south—the shallows of the coast of Rügen;

Towards the west—a straight line from the south point of the Alt-Bessin Peninsula to the church tower at Schaprode.

(5.) The waters bounded by the following straight lines:

On the east—between the great signal flagstaff near the dwelling of the chief pilot at Thiessow and the northern point of Rüden Island; bearing, south by east ¼ east;

On the south—between the northern point of the island of Rüden and the red and white buoy at Böttchergrund; and

On the west—from the above-mentioned Böttchergrund buoy to Endhaken, near Thiessow.

The above fishery prohibitions do not apply to fishery rights in shallows belonging to private landowners. On the other hand, these prohibitions apply in their entirety to fishery rights belonging to the Treasury as ground

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Police Ordinance of the President of the Government prohibiting Seine Net Fishing in the Barthe River. April 16, 1888.

(Official Gazette of the Royal Government at Stralsund, 1888, Vol. 16, No. 210.)

Notification of the President of the Government relating to the Prohibition of Fishing in certain Waters East and West of Rügen, and also in the Barthe Channel. 13*th April and* 22*nd September* 1888, 5*th April* 1890, 17*th March and* 1*st April* 1894.

(Official Gazette of the Royal Government at Stralsund, 1888, Vol. 16, No. 205, Vol. 40, No. 488; 1890, Vol. 15, No. 180; and 1894, Vol. 16, No. 206.)

Police Ordinance of the President of the Government relating to the Marking of Tackle spread out for Fishing Purposes. 25*th May* 1888 *and* 12*th May* 1893.

(Official Gazette of the Royal Government at Stralsund, 1888, Vol. 24, No. 322, and 1893, Vol. 20, No. 285.)

Notification of the President of the Government increasing the Minimum Size for the Capture of Salmon Trout (Salmo trutta) *to* 50 *centimetres.—November* 18, 1889.

(Official Gazette of the Royal Government at Stralsund, 1889, Vol. 49, No. 555.)

Notification of the President of the Government according special Privileges to Net Fishermen for the so-called "Pumping" ("pumpen") *Method of catching Fish. April* 9, 1891.

(Official Gazette of the Royal Government at Stralsund, 1891, Vol. 16, p. 185.)

Notification of the President of the Government fixing 2 *centimetres as the Width of Mesh for Herring Weels, and releasing (the limit of) the Width of Mesh for Herring Nets and the Enclosing Nets of Herring Weels. May* 11, 1891.

(Official Gazette of the Royal Government at Stralsund, 1891, Vol. 20, No. 237.)

Decree of the Minister for Agriculture, Lands, and Forests, relating to the Release of the Close Fishing Grounds at the mouth of the Prerow River and near Pramort. (Art. I., § 3 (1) and (2), of the Law of the 22nd April 1869.) *July* 23, 1892.

Notification of the President of the Government changing the Weekly Close Time to the Period from 6 *o'clock on Sunday morning to* 6 *o'clock on Monday morning. January* 31, 1893.

(Official Gazette of the Royal Government at Stralsund, 1893, Vol. 6, No. 88.)

Police Ordinance of the President of the Government relating to Permission to fish in the Peene River during the Spring Close Season.—March 11, 1897.

Notification of the President of the Government relating to the Alteration of the Having Close Fishing Ground. March 19, 1898.

(Official Gazette of the Royal Government at Stralsund of 24th March 1898, Vol. 12, No. 143.)

Treaty between Prussia and Mecklenburg-Schwerin relating to the Settlement of Fishery Conditions on both sides of the Saaler Bodden, including the Ribnitz Inland Lake.

(Supplement to the Official Gazette of the Royal Government in Stralsund of 18th April 1898.)

By Article II. of this treaty the Fishery Law of $\frac{\text{8th March}}{\text{5th June}}$ 1845 is abrogated (*see* p. 74).

According to Article V. fishery in the Saaler Bodden is to be treated as coast fishery.

Province of Schleswig-Holstein.

Ordinance relating to the Execution of the Fishery Law in the Province of Schleswig-Holstein. August 8, 1887.

(Code of Laws 1887, p. 376.)

We, William, by the Grace of God, King of Prussia, &c., decree, on the basis of, and for the execution of the Fishery Law of 30th May 1874 (C. of L. p. 197, *et seq.*) for the Province of Schleswig-Holstein, after hearing the Diet of the Province, as follows :—

§1. The line of demarcation between coast and inland fisheries is as follows :—

In the Eider, the line drawn through the Süderstapeler Ferry.
„ Stör, „ „ from the Delsthor Bridge to Itzehoe.
„ Krückau „ „ through the Elmshorner water mill; and
„ Pinnau „ „ across the toll bridge near Uetersen.

Fishery in the Elbe is coast fishery up to the line drawn from bank to bank where the Ilmenau falls into the Elbe.

§2. The following regulations are applicable to fisheries in non-enclosed waters :—

(1.) The catching of spawn and fry is forbidden.

(2.) Fish of the under-mentioned kinds may not be caught if they are under the following sizes, measured from the top of the head to the end of the caudal fin :—

Sturgeon [Acipenser sturio]	100 c.m.
Salmon [Salmo salar]	50 „
"*Grosse Maräne*" [Coregonus maraena Bloch] :—	
"*Madue Maräne*"	40 „
"*Schaalsee*" and "*Selentersee-Maräne*"	30 „
Perch-pike [Lucioperca sandra], "*Rapfen*" [Aspius rapax], Eel [Anguilla vulgaris Flemming	35 „
Barbel [Barbus fluviatilis Ag.], Bream [Abramis brama], Salmon trout [Salmo trutta], Shad (Alose) [Clupea alosa], Shad [Clupea finta], Carp [Cyprinus carpio], Pike [Esox lucius]	28 „

"*Schnepel*," "*Nordseeschnepel*" [Coregonus oxyrhynchus] "*Ostseeschnepel*" [Coregonus laveretus] - - - - -	20 c.m.
Tench [Tinca vulgaris. Cuv.] - - -	
Chub [Leuciscus idus] - - - -	
Dace [Leuciscus cephalus] - - -	
Trout [Salmo fario] - - - -	
"*Nase*" [Chondrostoma nasus] - - -	
Grayling [Thymallus vulgaris Nilsson - -	
Plaice [Pleuronectes platessa] - - -	18 „
"*Karausche*" [Carassius vulgaris Nordmann] -	15 „
"*Kleine Maräne*" [Coregonus albula] - -	
Rudd [Scardinius erythrophthalmus] - -	
Perch [Perca fluviatilis] - - - -	
Roach [Leuciscus rutilus] - - - -	
Flounders [Pleuronectes flesus] - - -	
Crawfish ("*Krebs*") [Astacus fluiviatilis Rondelet]	10 „

the last-named measured from the top of head to the end of the tail.

The Minister for Agriculture, Lands, and Forests is empowered for the whole of the fishery grounds, or for separate parts thereof, to reduce the minimum measurement for eels to 25 centimetres, and to raise it for sturgeon to 120 centimetres, for salmon trout to 50 c.m., for crabs to 12 centimetres, and for species of flat fish distinguished above to raise the measurement above the size given there, and also to prescribe minimum measurements for varieties of flat fish not distinguished above, and for cod.

(3.) Spawn and fry, as also fish of the kind specified in (2) under the size noted there, must, should they come alive into the fisherman's possession, be immediately returned to the water with the care necessary to their safety.

(4.) In the interests of the breeding of fish, of scientific investigations, or of experiments for the public good, the supervision authorities (§ 46 of the Law) may allow individual holders of fishery rights, temporarily and provisionally only, to catch spawn and fry, as also fish and crabs, under the sizes specified in (2).

§ 3. With the reservation of the exceptions given in § 27 of the Fishery Law and in the preceding § 2 (4), spawn and fry, as well as fishes of the species mentioned in § 2 (2) under the size therein stated, may be neither exposed for sale, nor sold, nor despatched, whether they were caught in enclosed or non-enclosed waters.

Spawn and fry and fish under the allowable limit of size caught in non-enclosed waters may be used neither for the manufacture of fish-oil, nor for cattle-food, nor for manure or the preparation of manuring substances, nor for any other commercial or industrial purpose.

The President of the Government may, however, for urgent commercial reasons allow exceptions from this latter prohibition, temporarily and for certain stretches of water.

§ 4. The following restrictions are imposed on fishery :—

(1.) Fishing is prohibited from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening in coast fishery waters and non-enclosed inland fishery waters (weekly close time).

(2.) From 6 o'clock in the morning of the 15th October to 6 o'clock in the evening of the 14th December (winter close season), fishing in the following inland fishery waters may only be carried on by special permission of the President of the Government [*Here follows list of waters*] :—

This special permission will only be granted if the use of the ova or ova-bearing salmonidæ caught (salmon, salmon-trout, trout) is guaranteed to be for the purpose of artificial fish-breeding. This permission will be at once withdrawn should these conditions not be fulfilled.

(3.) In all other inland fishery waters not previously mentioned in (2) during the period from 6 o'clock in the morning of 10th April to 6 o'clock in the evening of the 9th June, an enforced weekly close time exists, during which fishing may only be carried on on three days in each of the weeks falling within the close time, beginning on Monday morning at 6 o'clock and ending at 6 o'clock on Thursday morning.

After the constitution of a sufficient number of close fishing grounds the President of the Government may allow fishing to be carried on on a further two days in each of the weeks falling within the close time, in addition to the days allowed by the preceding clause.

(4.) Salmon fishery with drag-nets and trawl-nets is prohibited in the Elbe from the 1st September to the 1st December inclusive.

This prohibition does not apply to the tributary streams of the Elbe as long as they are not connected with the main stream at both their ends in such a manner as to allow migratory fish to pass freely right through them.

Similar prohibitions may be issued for the tributaries of the Elbe by means of a police ordinance. § 5.

§ 5. The President of the Government may in exceptional cases allow the following fisheries to be carried on during the periods of weekly and yearly close times given in § 4, parts (1), (2), and (3):—

(1.) The catching of such fish as usually appear in large shoals suddenly and disappear again in a short time, such as herrings, sprats, lampreys, sturgeon, smelts, and shad may be allowed with such appliances as are only prescribed and intended for the catching of these kinds of fish. Eel fishing and trawling for flounders and "*Stuhre*" may be allowed also.

(2.) Fishermen who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances with sunk nets, weels, baskets, or lines may be allowed to take up their appliances and set them again, if no injurious impediment to the passage of migratory fish is to be feared by their doing so. This exception may also be allowed for fixed appliances of the above-mentioned kind intended and used solely for catching eels and also for fish dams (Buhnen).

(3.) Fishing with a rod and so-called herring "hoes" may be allowed.

(4.) In the interests of scientific investigation or of experiments for the common good, or for the purposes of artificial fish-breeding, or, finally, for the protection of other fish against fish of prey, the catching of certain kinds of fish not mentioned above may be allowed in exceptional cases, as far as necessary and under suitable controlling rules.

In every case where permission to fish is granted during close times, however, the use of such allowable fishing appliances as are most liable to destroy fry is not to be included in the permit.

§ 6. If necessitated by urgent considerations with regard to the maintenance of the stock of fish or of particular kinds of fish, fishing during the spring close season laid down in § 4 (3) may be entirely prohibited by means of an ordinance of the local police in certain waters or parts of waters, or may be limited beyond the extent stated above, *i.e.*, the catching of certain kinds of fish or the use of certain sorts of fishing tackle may be entirely prohibited for the period of close time.

§ 7. In waters in which Maräne or grayling are to be found in large numbers, the catching of "Maräne" for four weeks within the period from the beginning of November to the end of December may be prohibited by means of a local police ordinance. The catching of grayling for a similar length of time within the period from the middle of February to the end of June may be similarly prohibited.

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In a similar manner the catching of other specified commercially important kinds of fish may be prohibited for a period not exceeding six weeks, exclusive of the annual close seasons, in stated parts of waters, if it is for the purpose of preserving that kind of fish.

Also, the catching of sturgeon after the 15th July in each year may be restricted or prohibited by means of a local police ordinance.

§ 8. The President of the Government is empowered—

(1) to change the weekly close time [§ 4 (1)] to the period from 6 o'clock on Sunday morning to 6 o'clock on Monday morning for the whole district for certain waters or for certain parts of waters;

(2) or to change the said close time to the period between two tides beginning from the first low tide after 6 o'clock on Saturday evening for North Sea coast fisheries or for particular parts thereof;

(3) after a continuously cold winter, to fix as the spring close season for the whole district, for certain waters, or for certain parts of waters, six weeks within the period from the beginning of April to the end of June.

§ 9. The Minister for Agriculture, Lands, and Forests is authorised—

(1) to order the commencement of the spring* close season prescribed in § 4 (2) for waters distinguished in § 4 (3) when they open to the passage of migratory fish or contain salmonidæ;

(2) to order the commencement of the spring close season prescribed in § 4 (3) for waters mentioned above in § 4 (2);

(3) to regulate the yearly close times set forth in § 4 for waters which in their course touch non-Prussian territory in conjunction with the neighbouring Government concerned;

(4) to regulate in a uniform manner the yearly close times laid down in § 4 (4) for waters belonging to several provinces or government districts; and

(5) to regulate in a uniform manner, in conjunction with the neighbouring Governments concerned, the restrictions imposed on salmon fishing in the Elbe in § 4 (4).

The limits between spring and winter close times for particular waters should, as far as requisite, be made known by local notices to be put up by the State.

§ 10. During the periods of weekly and annual close time prescribed in § 4 those stationary fishery appliances not prohibited by the Fishery Law of 30th May 1874 in non-enclosed waters must be removed or put away (§ 28 of the Law).

So far as considerations relative to the stock of fish allow, the President of the Government may allow exceptions from the regulations laid down in the previous paragraph (Article III. of the Law of 30th March 1880).

§ 11. §§ 4–9 inclusive do not apply to crab fisheries.

Crab fishing is prohibited in all non-enclosed waters from 1st November to 31st May inclusive.

If crabs come, whilst alive, into the possession of fishermen during the regulation close time, they must be put back into the water at once with all care necessary to their safety.

If necessitated by urgent considerations with regard to the maintenance of the stock of crabs in particular waters, the catching of female crabs bearing eggs or young may be prohibited therein by means of a local police ordinance, and in extreme cases the sale of female crabs may temporarily be prohibited.

§ 12. For fisheries in non-enclosed waters the following are prohibited:—

(1.) The use of destructive or explosive materials (poisoned bait or any means for stunning or destroying fish, explosive cartridges, or other explosives, &c.) [§ 21 of the Law].

(2.) The use of means for wounding fish, as traps with springs, tridents, hoes (eel hoes, &c.), spears, lances, stakes, firearms, &c.

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* *Sic* in orig., but should doubtless be "winter."

Rod fishing is allowed. The use of spears and lances for eel fishing may be sanctioned by the President of the Government in special cases, subject, where necessary, to the erection of a special construction for this method of fishing.

(3.) Driving fish together at night by means of lights or torches.

(4.) In all waters of the East Coast and on the Elbe above the line from Neufeld, on the Holstein bank, to the mouth of the Oste, the use of drag-nets propelled over the bottom of the water by means of sail or steam power (seine nets, &c.). The Minister for Agriculture, Lands, and Forests is empowered to alter the boundaries given above.

§ 13. Non-enclosed waters may not be dammed up, nor drained off, nor cut off for fishery purposes, without the permission of the inspecting authorities (§ 46 of the Law).

§ 14. Fish weirs and fences, and so-called traps (*selbstfänge*) in connection therewith, for salmon and eel, must not be newly constructed unless specified rights therefor are in existence.

For the purposes of obtaining spawn and fry for artificial fish breeding, the President of the Government may, however, allow, temporarily, such fishing appliances, subject to the restrictions imposed by § 20 of the Fishery Law.

§ 15. For fisheries in non-enclosed waters no fishing tackle of any kind or description (with the exceptions given below) may be used, of which the meshes, when wet, do not measure at least 2·5 centimetres in width in every part (the measurement being made from the middle of one knot to the middle of the next knot.

This rule applies to all parts and sections of fishery tackle; but for nets provided with so-called "channels" (*Kehlen*), this minimum measurement does not apply to the "channels."

Regulations will be issued determining the minimum width of the openings or meshes of nets exclusively intended or used for catching herrings, sprats, pilchards (sardines), smelts, eels, lampreys, stickleback, gar-fish, crabs, "*Purre*," shrimps, and prawns. The President of the Government is empowered in cases of necessity to allow exceptions from the above-mentioned width of mesh for certain tackle and for catching certain kinds of fish, such as bleak, minnow, "*Maipiere*," loach, and goby. In all such cases, however, the President of the Government is empowered to draw up restrictive regulations as to the nature, size, and construction of this tackle, as well as concerning the extent, manner, and period of its use.

If urgently necessitated by considerations with regard to the maintenance of the stock of fish, or of an important species of fish, the use of any harmful tackle may be entirely prohibited in certain waters or parts of waters, or limited in a manner exceeding the above rules, by means of a local police ordinance.

§ 16. The passage of fish in running waters may not be blocked for fishing purposes either by means of fixed tackle or by means of fishery appliances fixed to or connected with the bank or bed of the river (bow-nets, block-nets, &c.) for more than half the width at ordinary low water, measured in the shortest straight line from bank to bank, without permission of the inspecting authorities.

Several sets of fishing tackle of the same kind may only be spread out or put up on the same or opposite sides of the river, at a distance of at least three times the extent of the largest net from each other.

When trawling is carried on by means of several nets at the same time, the nets must be separated from each other by a space at least twice as great as the length of the largest net.

§ 17. The gathering of sea plants under water is prohibited. The President of the Government may, however, allow exceptions.

§ 18. In navigable waters fishing must not impede or be detrimental to shipping. Fixed or floating fishing tackle and all other fishery appliances must be so placed or set as not to impede the free passage of ships and ferry boats, or the flow of water.

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§ 19. Officials charged with the duties of fishery police must, in the execution of their duty, wear the prescribed uniform of their official position, or a metal plate on their breast denoting their official standing. Fishery overseers appointed by communes, associations, or private persons must, in the execution of their duty, wear a badge to be determined by the President of the Government.

On service vessels employed for the supervision of fisheries, the Chief Fisheries Inspector (Royal Chief Master of Fisheries) must fly the German "kriegsflagge," with a blue anchor in the left-hand bottom quarter and the letters K. F. in red on either side thereof; also a jack flag with the German colours, bearing the above-mentioned device on the white stripe. The other fishery inspectors are only to fly the flag *or* jack flag, which they must hoist at the usual times according to their judgment.*

A red signal lantern is to take the place of flags at night.

Inspectors appointed by private persons or associations are to fly a flag, to be fixed in detail by the President of the Government.

Persons in charge of vessels must, when hailed by fishery officials or overseers, or signalled to by means of repeated hoisting, lowering, and re-hoisting of flags or lanterns, at once shorten sail or stop rowing and lay to.

Any person hailed by a fishery inspector or overseer must comply with the order, and, especially if on the ice, he must not move from the spot until he has been expressly empowered to do so.

§ 20. Contraventions of the provisions of this ordinance—in so far as they do not come under the penal provisions of the Fishery Law of May 30th, 1874 (§§ 49 *et seq*), or of the penal code for the German Empire—be punished by the infliction of a fine not exceeding 150 marks, or imprisonment.

At the same time, the fishing tackle unlawfully used for fishing may be confiscated.

§ 21. The Minister of Agriculture, Lands, and Forests is empowered to abrogate wholly or in part for those inland waters or coasts which are not exclusively under our authority the provisions of this ordinance relating to fishery restrictions, to prohibited fishing tackle, and to the nature of fishing appliances allowable.

§ 22. This ordinance is to come into force on the 1st October 1887.

Simultaneously, the ordinance of the 2nd November 1877 (C. of L. 251 *et seq.*), relating to the execution of the Fishery Law in the Province of Schleswig-Holstein is abrogated.

Given under our hand and seal,

8th August 1887. (L.S.) WILLIAM.

Police Ordinance of the President of the Government relating to the Marking of Tackle spread out for Fishing. December 3, 1877.

(Official Gazette of the Royal Government at Schleswig, 1877, No. 1706.

Police Ordinance of the President of the Government relating to the Registration and Marking of Fishing Vessels used for Deep-sea or Coast Fisheries. August 21, 1879.

(Official Gazette of the Royal Government at Schleswig, 1879, v. 35, No. 1096.)

Police Ordnance of the President of the Government, relating to the Registration of Fishing Vessels used for Fishery in the North Sea beyond Coast Waters. May 20 *and October* 24, 1884, *and June* 26, 1885.

(Official Gazette of the Royal Government at Schleswig, 1884, V. 24, No. 593, and V. 52, No. 1241; 1885, V. 48, No. 869.)

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* The regulations relating to flags given here have been altered by a Supreme Decree of 20th January 1894.

All these ordinances contain regulations in amplification of the international treaty regulating fishery in the North Sea beyond the limits of coast waters, of 6th May 1882. SCHLESWIG-HOLSTEIN.

Notification of the President of the Government changing the Close Time to the Period from 6 o'clock on Sunday morning to 6 o'clock on Monday morning, in the Elbe, Stör, Krückau, and Pinnau. November 6, 1888.

(Official Gazette of the Royal Government at Schleswig, 1888, No. 1097.)

Decree of the Minister for Agriculture, Lands, and Forests, relating to the Minimum Measurement for Eels. June 27, 1894.

(C. of L. 1888, p. 337.)

The minimum size at which eels may be caught is reduced to 25 centimetres.

Police Ordinance of the President of the Government relating to the Preservation of Sturgeon. June 20, 1890.

(Official Gazette of the Royal Government at Schleswig, 1890, p. 254.)

The capture of sturgeon during the period from July 16th to August 26th of every year is prohibited in the Elbe above the line drawn from the Bösch pilot-station near St. Margarethen to the red beacon-buoy (*f*) lying near the Hanover side of the river.

Police Ordinance of the Local Authorities at Meldorf relating to the Close Season for, and the Minimum Measurement for the Capture of Lobsters. 10 March 1894.

EXTRACT.

§ 1. During the period from the 13th July to the 14th September, inclusive, lobster fishing is prohibited.

§ 2. Lobsters measuring less than 9 centimetres in length (from the top of the frontal horn to the back edge of the breast shell [the carapax], may neither be caught, sold, sent away, nor exposed for sale.

The Island of Heligoland. HELIGOLAND.

The Prussian Fishery Law of 30th May 1874/30th March 1880, and the ordinance issued for the execution thereof in the Province of Schleswig-Holstein of August 8th, 1887, do not apply to the island of Heligoland.

Province of Hanover. HANOVER.

Ordinance Relating to the Execution of the Fishery Law of 30th May 1874, in the Province of Hanover. August 8, 1887.

(C. of L. 1887, p. 385.)

We, William, by the Grace of God, King of Prussia, &c., decree, on the basis of and for the execution of the Fishery Law of the 30 May 1874 (C. of L. p. 197 *et seq.*) for the Province of Hanover, after hearing the Diet of the Province, as follows:—

§ 1. In the larger rivers the limits between inland and coast fisheries are as follows:—

(1.) In the Elbe: The line drawn across the river from bank to bank where the Ilmenau runs into the Elbe.

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(2.) In the Oste: The line drawn from the northern corner, nearest the Elbe, of the Oberndorf boundary mark at right angles to the bank, to the opposite bank.

(3.) In the Weser: A straight line drawn from the end of the dividing construction between the Weser and the Ochtum to the eastern corner of the middle one of the three buildings lying beyond the dam at Lemwerder.

(4.) In the Ems: Until 28th February 1891, inclusive, the line drawn at right angles to the left bank of the Leda where it flows into the Ems, to the opposite bank; after March 1st, 1891, the Papenburg lock.

(5.) In the Leda: From 1st March 1891, the railway bridge.

The above-mentioned limits of coast and inland fisheries shall, as far as necessary, be made known by local notices to be erected by the State.

§ 2. The following regulations are applicable to fisheries in non-enclosed waters:—

(1.) The catching of spawn and fry is forbidden:

(2.) Fish of the undermentioned kinds may not be caught if they do not measure at least the following lengths from the top of the head to the end of caudal fin:—

Sturgeon [Acipenser sturio]	100 c.m.
Salmon [Salmo salar]	50 „
"*Grosse Maräne*" [Coregonus maræna Bloch]	40 „
Perch-pike [Lucioperca sandra]	35 „
"*Rapfen*" [Aspin rapax Ag.]	
Eel [Anguilla vulgaris Flemming]	
Barbel [Barbus fluviatilis]	28 „
Bream [Abramis brama]	
Salmon trout [Salmo trutta]	
Shad [Alose] [Clupea Alosa]	
Shad [Clupea finta Cuv.]	
Carp [Cyprinus carpio]	
Pike [Esox lucius]	
"*Schnepel*," "*Nordseeschnepel*" [Coregonus oxyrhynchus] "*Ostseeschnepel*" [Coregonus lavaretus]	20 „
Tench [Tinca vulgaris Cuv.]	
Chub [Leuciscus idus]	
"*Dobel*," a kind of dace [Leuciscus cephalus]	
Trout [Salmo fario]	
"*Nase*" [Chondrostoma nasus]	
Grayling [Thymallus vulgaris Nilsson]	
Plaice [Pleuronectes platessa]	18 „
"*Karausche*" [Carassius vulgaris Nordmann]	15 „
"*Kleine Maräne*" [Coregonus albula]	
Rudd [Scardinius erythrophthalmus]	
Perch [Perca fluviatilis]	
Roach [Leuciscus rutilus]	15 „
Flounders [Pleuronectes flesus	
Crawfish ("*Krebs*") [Astacus fluviatilis Rondelet]	10 „

the last named measured from the top of the head to the extremity of the tail end.

The Minister for Agriculture, Lands, and Forests is empowered for the whole of the fishing grounds or for separate parts thereof to reduce the minimum measurement for eels to 30 centimetres and to raise the minimum measurement for sturgeon to 120 centimetres, for salmon trout to 50 centimetres, for crabs to 12 centimetres, and for species of flat fish distinguished above to raise the measurement above the size given there, and also to prescribe minimum measurements for varieties of flat fish not distinguished above, and for cod.

(3.) Spawn and fry, as also fish of the kind specified in (2) under the size noted there, must, should they come alive into the fisherman's hands, be at once put back into the water with all care necessary to their safety.

(4.) In the interests of the breeding of fish, of scientific investigation, or of experiments for the public benefit, the supervision authorities (§46 of the Law) may allow individual holders of fishery rights, temporarily and provisionally only, to catch spawn and fry, as also fish and crabs of a size less than that specified in (2).

§ 3. With the reservation of the exceptions given in § 27 of the Fishery Law and in the preceeding § 2 (4) spawn and fry, as well as fish of the kinds mentioned in § 2 (2) under the size therein laid down may be neither exposed for sale, sold, nor sent away, whether caught in enclosed or non-enclosed waters.

Spawn and fry and fish under the allowable size-limit caught in non-enclosed waters may be used neither for the manufacture of fish oil, nor for cattle food, nor for manure or the preparation of manuring substances, nor for any other commercial or industrial purpose.

The President of the Government may, however, in the event of urgent commercial reasons, allow exceptions from this latter prohibition temporarily and for particular stretches of water.

§ 4. The following restrictions are imposed on fishing :—

(1.) Fishing is prohibited from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening in coast fishery waters and non-enclosed inland fishery waters (weekly close time).

(2.) From 6 o'clock in the morning of the 15th October to 6 o'clock in the evening of the 14th December (winter close season) fishing in the following inland fishery waters may only be carried on by special permission of the President of the Government [*Here follows list of waters*] :

This special permission will only be granted if the use of the ova or ova-bearing salmonidæ caught (salmon, salmon-trout, trout) is guaranteed to be for the purpose of artificial fish breeding. This permission will be at once withdrawn should these conditions not be fulfilled.

(3.) In all other inland fishing waters not previously mentioned in (2), during the period from 6 o'clock in the morning of the 10th of April to 6 o'clock in the evening of the 9th June, an enforced weekly close time (spring close season) is to be in force, during which fishing may only be carried on on three days in each of the weeks falling within within the close time, beginning on Monday morning at 6 o'clock and ending on Thursday morning at 6 o'clock.

After the constitution of a sufficient number of close fishing grounds, the President of the Government may allow fishing to be carried on for a further two days in each of the weeks falling within the close season in addition to the days allowed by the preceding clause.

(4.) Salmon fishing with drag and trawl-nets is prohibited :

A. In the Elbe from September 1st to December 1st inclusive.

B. In the Weser :

(*a.*) In the coast fishery part [§ 1 (3)] from 15th August to 15th October inclusive.

(*b.*) From the limits of the coast fishery upwards as far as the dams at Hameln from 15th September to 15th December inclusive.

(*c.*) In that part from the dams at Hameln upwards from 1st October to 31st December inclusive.

C. In the Ems :

(*a.*) In that part from Pogum (Dollart) to Lingen from 1st October to 15th December, inclusive.

(*b.*) In that part from Lingen upwards from 15th October to 31st December inclusive.

This latter prohibition does not apply to adjoining branches of the three rivers, in so far as they are not connected with the main stream at both their ends in such a manner that migratory fish may pass freely right through.

Similarly prohibitions may be issued for the tributaries of the three above-named rivers, by means of a local police ordinance.

§ 5. The President of the Government may in exceptional cases allow the following fisheries to be carried on during the duration of the weekly and yearly close seasons given in § 4 (1), (2), and (3) :—

(1.) The catching of such fish as usually appear in large shoals suddenly, and disappear again in a short time, such as herrings, sprats, lampreys, sturgeon, smelt, and shad may be allowed with such appliances as are only prescribed and intended for the catching of these sorts of fish. Eel fishing and trawl-net fishing for flounders and "*Stuhre*" may also be allowed.

(2.) Fishermen who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances with bow-nets, baskets, lines, &c., may be allowed to take up their appliances and set them again, if no injurious impediment to the passage of migratory fish is to be feared by their doing so. This exception may also be extended to fixed apparatus and tackle of the above-mentioned kinds intended and used solely for eel fishing.

(3.) Rod fishing may be allowed, and also so-called eel-hoes.

(4.) In the interests of scientific investigation, or of experiments for the common good, or for the purposes of artificial fish breeding, or, finally, for the protection of other fish against fish of prey, the catching of certain kinds of fish not mentioned above may be allowed in exceptional cases, as far as necessary and under suitable controlling rules.

In every case where permission to fish is granted during close time, however, the use of such allowable fishery appliances as are principally likely to destroy fry, is not to be included in the permit.

§. 6. If necessitated by urgent considerations with regard to the maintenance of the stock of fish, fishing, during the spring close time laid down in § 4 (3), may be entirely prohibited by means of a local police ordinance in certain waters or parts of waters, or may be limited beyond the extent stated above, *i.e.*, the catching of certain kinds of fish or the use of certain sorts of fishing tackle may be entirely prohibited for the duration of the close time.

§ 7. In waters in which "*Maräne*" or grayling abound, the catching of "*Maräne*" for four weeks within the period from the beginning of November to the end of December may be prohibited by means of a local police ordinance. The catching of grayling for a similar length of time, within the period from the middle of February to the end of June, may be similarly prohibited.

In a similar manner the catching of other specified commercially important kinds of fish may be prohibited for a period not exceeding six weeks, exclusive of the annual close times in certain parts of waters, if it is for the purpose of preserving that kind of fish.

Thus the catching of sturgeon after the 15th July in every year may be restricted or prohibited by means of a local police ordinance.

Finally, provision may be made for the protection of river shell-fish by means of a local police ordinance.

§ 8. The President of the Government is empowered—

(1) to change the weekly close time [§ 4 (1)] to the period from 6 o'clock on Sunday morning to 6 o'clock on Monday morning for the whole district, for certain waters, or for certain parts of waters;

(2) or to settle the said close time to be for the duration of two tides, beginning from the first low tide after 6 o'clock on Saturday evening for the North Sea coast fisheries or separate parts thereof;

(3) after a long and continuously cold winter, to fix as the spring close time [§ 4 (3)] for the whole district, for separate waters, or certain parts thereof, six weeks within the period from the beginning of April to the end of June.

§ 9. The Minister for Agriculture, Lands, and Forests is authorised—

(1) to order the commencement of the winter close season prescribed in § 4 (2) for waters referred to above in § 4 (3) when they are open to the passage of migratory fish or contain salmonidæ;

(2) to order the commencement of the spring close season described in § 4 (3) for waters mentioned above in § 4 (2);

(3) to regulate the yearly close times set out in § 4 for waters which, in their course, touch non-Prussian territory, in conjunction with the neighbouring Government concerned;

(4) to regulate in a uniform manner the yearly close times laid down in § 4 for waters belonging to several provinces or Government districts;

(5) to regulate in a uniform manner, in conjunction with the neighbouring Governments concerned, the restrictions on salmon fishery for separate river basins (§ 4 (4)).

The limits between spring and winter close seasons for particular waters should, as far as necessary, be made known by local notices to be put up by the State.

§ 10. During the periods of weekly and annual close time prescribed in § 4 those stationary fishery appliances not prohibited by the Fishery Law of the 30th May 1874 in non-enclosed waters must be removed or put away (§ 28 of the Law).

So far as allowed by considerations relative to the maintenance of the stock of fish, the President of the Government may sanction exceptions from the regulations laid down in the previous paragraph (Article III. of the Law of the 30th March 1880).

§ 11. §§ 4–9 inclusive do not apply to crab fishing.

Crab fishery is prohibited in all non-enclosed waters from November 1st to May 31st inclusive.

If crabs come alive into the hands of fishermen during the regulation close time they are to be put back into the water at once with all care necessary to their safety.

If necessitated by urgent considerations with regard to the maintenance of the stock of crabs in particular waters, the catching of female crabs bearing eggs or young may be prohibited by means of a local police ordinance, and in extreme cases the sale of female crabs may temporarily be prohibited.

§ 12. The following are prohibited in non-enclosed waters:—

(1.) The use of destructive or explosive materials (poisoned bait or any means for stunning or destroying fish, explosive cartridges or other explosives, &c.) (§ 21 of the Law).

(2.) The use of means for wounding fish, as: traps with springs, tridents, rakes, eel-hoes, spears, lances, stakes, firearms, &c.

The use of rods is allowed. The use of spears and lances for catching eels may be sanctioned in special cases by the President of the Government, subject, where necessary, to the erection of a special construction for this method of fishing.

(3.) Driving fish together at night by means of lights or torches.

(4.) The use of drag-nets which are dragged along the bottom of the water by sail or steam power in the Elbe above the line from Neufeld on the Holstein side of the river across to the mouth of the Oste. The Minister for Agriculture, Lands, and Forests is empowered to alter the above boundaries.

Similar prohibitions for the lower Weser and the lower Ems may be issued by means of a local police ordinance.

HANOVER.

§ 13. Non-enclosed waters may be neither dammed up, nor drained off nor cut off for fishing purposes without permission of the inspecting authorities (§ 46 of the Law).

§ 14. Fish weirs and fences and so-called traps (Selbstfänge) in connection therewith for salmon and eels must not be newly constructed without existing rights therefor.

For the purpose of obtaining spawn and fry for artificial fish-breeding, the President of the Government may, however, temporarily allow such fishery appliances with the limitations imposed by § 20 of the Fishery Law.

§ 15. For fisheries in non-enclosed waters no fishing tackle of any kind or description (except that mentioned below) may be used, of which the meshes or openings, when wet, do not measure at least 2·5 centimetres in width in every part (the measurement being made from the middle of one knot to the middle of the next knot).

This rule applies to all parts and sections of the fishing tackle in question, but with nets provided with so-called "channels" (*kehlen*) the minimum measurement does not apply to the "channels."

A special decree will be issued determining the minimum width of the meshes or openings of tackle exclusively intended and used for catching herring, sprats, anchovies, smelts, eels, lampreys, stickleback, crabs, shrimps, "*Purre*," shrimps, and prawns.

The President of the Government is empowered in cases of necessity to allow exceptions from the above-mentioned width of mesh for certain fishing tackle and for the catching of certain kinds of fish, namely, bleak, minnow, "*Maipiere*," loach, and goby. In all such cases, however, the President of the Government is empowered to draw up restrictive regulations as to the nature, size, and construction of this tackle, as well as concerning the extent, manner, and period of its use.

If urgently necessitated by considerations with regard to the maintenance of the stock of fish or of an important species of fish, the use of any harmful fishing tackle in separate waters or parts of waters may be entirely prohibited or limited in a manner exceeding the above rules by means of a local police ordinance.

§ 16. The passage of fish in running waters may not be blocked, for fishing purposes, either by means of fixed tackle or by means of fishery appliances fixed to or connected with the bank or bed of the river (weels, block-nets, &c.) for more than half the width at ordinary low water, measured in the shortest straight line from bank to bank, without the permission of the inspecting authorities.

Several sets of fishing tackle of the same kind may only be spread out or put up on the same or opposite sides of the river at a distance from one another of at least three times the extent of the largest net.

When fishing is carried on by using several drag or trawl-nets at the same time, the nets must be separated from each other by a space at least twice as great as the length of the largest net.

§ 17. In navigable waters fishing must not impede or be detrimental to shipping.

Fixed or floating fishery appliances, and all other fishing tackle, must be so placed or set as not to impede the free passage of ships or ferry boats or stop the flow of water.

§ 18. Officials charged with the duties of fishery police must, in the execution of their duty, wear the prescribed uniform of their official position or a metal plate on their breast denoting their official standing. Fishery inspectors appointed by communes, associations, or private persons must, in the execution of their duty, wear a badge to be determined by the President of the Government.

On service vessels employed for the supervision of fisheries, the Royal Chief Master of Fisheries (Chief Fisheries Inspector) must fly the German "*Kriegsflagge*," with a blue anchor in the left-hand bottom quarter and the letters K.F. in red on either side thereof; also a jack-flag with the German colours bearing the above-mentioned device on the white stripe. The other fishery

inspectors are only to fly the flag *or* jack flag, which they must hoist at the usual times according to their judgment.*

A red signal lantern is to take the place of flags at night.

Overseers appointed by private persons, associations, or communes, are to fly a flag to be fixed in detail by the President of the Government.

Persons in charge of vessels must, when hailed by fishery officials or overseers, or signalled to by means of repeated hoisting, lowering, and re-hoisting of flags or lanterns, at once shorten sail or cease rowing and lay to.

Any person hailed by a fishery official or overseer must comply with the order, and, especially if on the ice, he must not move from the spot until expressly empowered to do so.

§ 19. Contraventions of the provisions of this ordinance — in so far as they are not subject to the penal provisions of the Fishery Law of May 30th, 1874 (§§ 49 *et seq.*), or to the penal code of the German Empire — will be punished by the infliction of a fine not exceeding 150 marks, or imprisonment.

At the same time the tackle unlawfully used for fishing, may be confiscated.

§ 20. The Minister of Agriculture, Lands, and Forests, is empowered to abrogate wholly or in part, for those inland fishery waters or parts thereof which are not exclusively under our authority, the provisions of this ordinance relating to fishery restrictions, to prohibited fishing tackle, and to the nature of fishery appliances allowable.

§ 21. This ordinance is to come into force on the 1st October 1887.

Simultaneously the ordinances of the 2nd November 1877 (C. of L., p. 257), and of the 12th January 1880) (C. of L., p. 7), relating to the execution of the Fishery Law in the Province of Hanover, are abrogated.

Given under our hand and seal,

8th August 1887 WILLIAM.

Province of Hanover.

Decree of the Minister for Agriculture, Lands, and Forests, relating to the Minimum Measurement for the Capture of Eels. June 27, 1894.

The minimum size for the capture of eels (Anguilla vulgaris Flemming), has been reduced to 25 c.m. for the whole Province of Hanover.

GOVERNMENT DISTRICT OF LÜNEBERG.

Police Ordinance of the Landrost relating to Distinguishing Marks on Tackle spread out for Fishery Purposes. April 12, 1875.

Police Ordinance of the Landrost relating to the Registration and Marking of Fishing Vessels engaged in Deep Sea or Coast Fishery. June 24, 1879.

The regulations are similar to those issued for the Province of Schleswig-Holstein. *See* p. 84.

Police Ordinance of the President of the Government relating to the Registration and Marking of Vessels and Tackle engaged in Deep Sea Fishery. June 24, 1884.

The ordinance contains regulations for carrying out the International Agreement of 6th May 1882, concerning the fishery police regulations for the North Sea.

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* These regulations have been amended by a Supreme Decree of the 24th January 1894.

HANOVER.

Police Ordinance of the President of the Government concerning Measures for Maintaining the Stock of Fish. April 26, 1888.

The catching of grayling and salmon is prohibited at certain times and in certain places.

Notificatian of the President of the Government changing the Weekly Close Time to the Period from 6 *o'clock on Sunday morning to* 6 *o'clock on Monday morning. October* 22, 1888.

Police Ordinance of the President of the Government relating to the Preservation of Sturgeon. April 14, 1890.

The capture of sturgeon is prohibited from July 16th to August 26th.

Police Ordinance of the President of the Government relating to the Prohibition of carrying Fishing Tackle on Ships in the Lower Elbe. June 30, 1893.

GOVERNMENT DISTRICT OF STADE.

Police Ordinance of the Landrost, relating to the Registration and Marking of Fishing Vessels engaged in Deep Sea or Coast Fishery. September 4, 1879.

The regulations are similar to those issued for the Province of Schleswig-Holstein, and for the Government district of Lüneberg. *See* pp. 84 and 91.

Police Ordinance of the Landrost, relating to the Registration and Marking of Vessels engaged in Fishing in the North Sea beyond the limits of Coast Fishery Waters. May 16, 1884.

This Ordinance contains regulations for carrying out the International Agreement of 6th May 1882, concerning fishery police regulations for the North Sea beyond coast waters.

Police Ordinance of the President of the Government changing the Weekly Close Time to the Period from 6 *o'clock on Sunday morning to* 6 *o'clock on Monday morning. October* 26, 1888.

Police Ordinance of the President of the Government relating to the Close Season for Sturgeon. June 30, 1890.

The catching of sturgeon is prohibited from 16th July to the 26th August:
(1) In the Elbe above the line drawn from the Bösch pilot station near St. Margarethen to the red buoy (*f*) lying on the left-hand side of the Elbe.

(2) In the Oste from its junction with the Pinnow.

GOVERNMENT DISTRICT OF AURICH.

Police Ordinance of the Landrost relating to the Registration and Marking of Vessels engaged in Deep Sea or Coast Fishery. August 12, 1879.

These regulations are similar to those issued for the Province of Schleswig-Holstein and for the Government districts of Lüneberg and Stade. *See* p. 91.

Police Ordinance of the Landrost relating to the Registration and Marking of Vessels and Tackle engaged in Deep Sea Fishery. May 17, 1884, *and March* 30, 1890.

These ordinances contain regulations for carrying out the International Agreement of 6th May 1882, concerning fishery police regulations for the North Sea beyond the limits of coast waters.

Police Ordinance of the President of the Government relating to Close Time for Salmon, Salmon Trout, and Sturgeon. April 21, 1891.

In the Ems and its tributaries from November 1st to December 12th, salmon and salmon trout may only be caught with permission from the President of the Government. Sturgeon may not be caught in the Ems above Ditzum from July 16th to August 26th.

Grand Duchy of Mecklenburg-Schwerin.

Grand Ducal Ordinance relating to Fishery. March 18, 1891.

(Government Gazette for the Grand Duchy of Mecklenburg-Schwerin, 1891, p. 33.)

Friedrich Franz, by the grace of God, Grand Duke of Mecklenburg, &c., &c., &c.

After revision of both ordinances of July 20th, 1875, relating to fishery in inland waters, and of the regulations for carrying on fishing in the Baltic, and the ordinance of July 9th, 1878, relating to fisheries in boundary waters:

We decree as follows, after treaty communication with H.R.H. the Grand Duke of Mecklenburg-Strelitz, and after consultation with our faithful Diet, for the regulation of fishery carried on in all coast and inland waters subject to our authority:—

§ 1.—(1.) Fisheries in coast waters within the meaning of this Ordinance include fisheries in the Baltic, in the Baltic inland waters, *i.e.*, the Salzhaff near Wustrow, the Grosse Wiek, and the Breitling, near Poel, the Wismarsch Haven, the bays of Wismarch and Wohlenberg, the Ribnitz lake, and the Mecklenburg part of the Saaler Bodden, and also the inlets and outlets of the Baltic up to 1 kilometre inland.

(2.) Fisheries in inland waters include fisheries in all other waters.

§ 2. The provisions of this ordinance do not apply to enclosed waters belonging to private individuals, so far as nothing to the contrary is stated in § 18, clause 1.

Enclosed waters within the meaning of this Law are—

(1.) Waters not having any connection with other waters for the passage of fish, if the fishing therein belongs to one authorised person.

(2.) All artificially laid out fish ponds, even should they be connected with other waters.

I. *Regulations for Inland Waters.*

§ 3. The plucking or gathering of "*post*," sea-wrack, and other kinds of plants, is not allowed during the months of April, May, June, July, and August.

No alteration by means of this ordinance is, however, intended to apply to the duties of weeding and cleaning running waters according to the extent of regulations existing for this purpose, or to the rights of the persons concerned to carry out the necessary construction therefor even during the above-mentioned months.

§ 4.—(1.) Fish fences, nets, baskets, weels, and similar stationary appliances for fishing purposes must be so set up in the water that at least half the width of water so occupied—measured out from the bank at ordinary low water—is free and clear right down to the bottom. Several sets of fishing tackle of the same kind may only be spread out or put up on the same or opposite sides of the river at a distance from one another of at least three times the extent of the largest net or fishery appliance.

These rules only apply to frontier waters, so far as a similiar procedure is observed in the neighbouring territory.

(2.) In navigable waters fishing must not impede or be detrimental to shipping. Fixed or floating fishery appliances and all other fishing tackle

must be so placed or set as not to impede the free passage of ships and ferry boats.

§ 5. Fish weirs and fences and so-called "traps" (*Selbstfange*) in connection therewith for salmon and eels, must not be newly laid down unless rights therefor are already in existence. The renewal of existing weirs, &c., is not prohibited by this regulation.

For the purposes of obtaining spawn and fry for artificial fish breeding, such constructions may be allowed temporarily, subject to the restrictions imposed by § 4.

§ 6. The following are prohibited for fishing purposes:—

(1.) The use of destructive or explosive materials (poisoned bait or any means for stunning or destroying fish, explosive cartridges, or other explosives, &c.)

(2.) The use of means for wounding fish, as traps with springs, tridents, eel-hoes, spears, lances, stakes, firearms, &c.
The use of rods is allowed, but not of pike hooks.

(3.) The driving of fish together at night by means of lights or torches.

§ 7. For fisheries in non-enclosed waters no fishing tackle (nets, &c.) of any kind or description may be used of which the meshes, when wet, do not measure at least 2·5 centimetres in width in every part (the measurement being made from the middle of one knot to the middle of the next knot).

This rule applies to all parts and sections of fishing tackle; but for nets provided with so-called "channels" (*kehlen*) this minimum measurement does not apply to the "channels."

In cases where the use of nets, the minimum width of the meshes of which was less than 2·5 centimetres, was allowed up till the present, the use of the old nets shall be allowed for three years subsequently to this ordinance coming into force.

The minimum width of the openings or meshes of fishery appliances exclusively used and intended for the capture of eels, lampreys, stickleback, herring, gar-fish, and crabs will be regulated by a decree.

Exceptions from the above-mentioned width of mesh for certain fishing tackle and for the capture of certain kinds of fish, such as smelt and bleak, may be allowed in cases of necessity. In all such cases, however, restrictive regulations may be issued as to the nature, size, and construction of this tackle, and extent, manner, and period of its use.

§ 8. Communes may only make use of fisheries belonging to them by specially appointed fishermen or by letting, and in the latter case the leases must not be for less than six years, unless issued in special circumstances by our Minister of the Interior.

Fishing rights, however, which have been customarily enjoyed by members of a commune as such, or by separate classes thereof, are not affected by this regulation.

§ 9. The following restrictions are imposed on fishery:—

(1.) Fishing is prohibited from 6 o'clock on Sunday morning to 6 o'clock on Monday morning. (Weekly close time.)
In cases of necessity the weekly close time may be changed to the period from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening for certain waters or for certain parts of waters.

(2.) During the period from 6 o'clock in the morning of April 10th to 6 o'clock in the evening of June 9th an additional weekly close time (spring close season) is enforced, during which fishing may only be carried on on three days in each of the weeks falling within the close season, beginning at 6 o'clock on Monday morning and ending at 6 o'clock on Thursday morning.
After the constitution of a sufficient number of close fishing grounds permission may be granted to carry on fishing on a further two days in each of the weeks falling within the close time, in addition to the days allowed by the preceding clause.

(3.) Salmon fishery with drag and trawl-nets is prohibited in the Elbe from September 1st to December 1st inclusive.

This latter prohibition does not apply to the adjoining branches of the Elbe so far as they are not connected with the main stream at both their ends in such a manner that migratory fish may pass through freely.

The issue of similar prohibitions for the tributaries of the Elbe is reserved.

During the spring close season salmon fishing in the Elbe may, as a rule, be carried on for five days in each of the weeks falling within the close season, beginning on Monday morning at 6 o'clock:

§ 10. During the weekly close time and the spring close season [§ 9 (1) and (2)] the following may be allowed :—

(1.) Eel fishery with eel pots and baskets and uncovered creels, also rod fishing, are allowed, presuming, of course, the existence of rights therefor, or, if necessary, of a licence.

(2.) Fishermen who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances, with nets, creels, baskets, or lines, are allowed to take up their appliances and set them again; it must, however, be provided that the passage of migratory fish should not be interfered with. Also driving the fish into the nets by means of beating the water with heavy sticks or otherwise is prohibited.

(3.) Holders of fishery rights are entitled to catch sufficient fish with standing appliances as may suffice for the needs of themselves and their household.

(4.) The capture of lamprey, sturgeon and smelt, may be allowed with such tackle as is only used and intended for these kinds of fish.

§ 11. During the weekly close time and the spring close season, the following fisheries may be carried on in exceptional circumstances :—

(1.) The catching of such fish as usually appear suddenly in large shoals, and disappear again in a short time, may be allowed with such appliances as are only prescribed and intended for the capture of these kinds of fish.

(2.) In the interests of scientific investigation, or of experiments for the public good, or for the purposes of artificial fish breeding, or, finally, for the protection of other fish against fish of prey, the catching of certain kinds of fish not mentioned above may be allowed in exceptional cases, as far as necessary, and under suitable controlling rules.

In every case where permission to fish is granted during close times, however, the use of such allowable fishing appliances as are most likely to destroy fry, is not to be included in the permit.

§ 12. If necessitated by urgent considerations with regard to the maintenance of the stock of fish or of particular kinds of fish, fishing, during the spring close season provided for in § 9 (2) may be entirely prohibited in certain waters or parts of waters, or may be limited beyond the extent given above, *i.e.*, the catching of certain kinds of fish or the use of certain sorts of fishing tackle may be entirely prohibited for the period of close time.

§ 13. The capture of maräne may be prohibited in the Schaalsee for four weeks within the period from the beginning of November to the end of December.

The capture of sturgeon after July 1st in each year may be restricted or prohibited.

§ 14.—(1.) After a long continuously cold winter, the spring close season [§ 9 (2)] may be fixed for six weeks within the period from the beginning of April to the end of June, altogether, or for single waters or parts thereof.

(2.) For waters which at some part of their extent touch territory not belonging to Mecklenburg, the time for the spring close season may be fixed by arrangement with the neighbouring Government concerned.

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(3.) The restrictions imposed on salmon fishing in the Elbe may be regulated by arrangement with the neighbouring Government concerned.

§ 15. After consultation with the holders of fishery rights concerned, these waters may be proclaimed as close grounds which offer especially suitable places for the spawning of fish and the development of fry.

The proclamation of close waters as such rests with the competent authorities of the waters concerned, and should more than one governing body be concerned, after agreement among themselves.

The decree in question is to be brought to the notice of the parties concerned by means of a public notification; and the close waters are to be made known by putting up special notices and marks, so far as the locality allows.

In closed spawning waters every kind of fishing is prohibited for the period of close time; also cleaning out, cutting of sedge and grass, removal of sand, stones, mud, &c., and all else which might be injurious to the propagation of fish must be discontinued during the close season, so far as is compatible with the interests of the foreshore and the cultivation of the land.

§ 16. §§ 9–15 inclusive do not apply to crab fishery.

The catching of crabs is prohibited from the 1st November to May 31st inclusive.

If crabs should come alive into the hands of fishermen during the regulation close time, they must be put back into the water at once, with all the care necessary to their safety.

If urgent considerations with regard to the maintenance of the stock of crabs necessitate it, the capture of female crabs may temporarily be prohibited in separate waters or parts thereof beyond the 31st May.

§ 17. The following regulations are applicable to the prosecution of fishery:—

(1.) The capture of spawn and fry is prohibited.

(2.) Fish of the under-mentioned kinds may not be caught under the following length, measured from the top of the head to the end of the caudal fin:—

Sturgeon [Acipenser sturio]	100 c.m.
Salmon [Salmo salar]	50 „
"*Grosse Maräne*" [Coregonus maraena]: "*Madü-Maräne*"	40 „
"*Schaalsee-Maräne*"	30 „
Perch-pike; "*Rapfen*" [Aspuis vorax]	35 „
Eel [Anguilla vulgaris]	30 „
Bream [Abramis brama]; Shad (Alose) [Clupea alosa]; Shad [Clupea finta]; Salmon trout [Salmo trutta]; Pike [Esox lucius]; Barbel [Barbus fluviatilis]; Carp [Cyprinus carpio]	28 „
Chub [Idus melanotus]; Dace (a kind of) [Squalius cephalus]; "Schnäpel" [Coregonus oxyrhynchus]	20 „
Tench [Tinca vulgaris]; Trout [Salmo fario]	20 „
Grayling [Thymallus vulgaris]	18 „
"*Karausche*" [Carassius vulgaris]; "*Kleine Maräne*" [Coregonus albula]; Rudd [Scardinius erythrophthalmus]; Perch [Perca fluviatilis]; Roach [Leuciscus rutilus]; Plaice [Pleuronectes platessa]; Flounders [Pleuronectes flesus]	15 „
Crawfish ("*Krebs*") [Astacus fluviatilis]	10 „

In case of necessity the mininimum measurement for crabs may be raised to 12 c.m.

(3.) Spawn and fry, as also fish of the kind specified in (2) under the size noted there must, should they come alive into the fishermen's hands, be at once put back into the water with all care necessary to their safety.

(4.) Fish of the species specified in (2) under the size given there must not be used as bait.

(5.) In the interests of fish breeding, of scientific investigation, or of experiments for the common good, individuals holding fishing rights may be allowed, temporarily and provisionally only, to catch spawn and fry, and also fish and crabs of a size less than that noted in (2).

§ 18. Spawn and fry, and also fish of the species given in § 17 (2) under the sizes there specified, may be neither exposed for sale, nor bought for sale to others, nor sold, nor sent away without regard to the fact of their being caught in enclosed or non-enclosed waters. "*Karausche*" which are certified to have been caught in enclosed waters are not subject to this prohibition.

The above rule does not apply to fry in fish-breeding establishments. It is also allowable to buy, sell, and send away spawning or breeding fish for purposes of fish breeding after previous notice given to the local authorities. A police permit is to be obtained for sending fish away.

II. *Regulations for Coast Waters.*

§ 19. The regulations given in § 4 (2), in §§ 6, 7, 9 (1), 10, 11, 15, 17, 18 apply also to coast waters enumerated in § 1 (1), so far as no special regulations are given in the following :—

(1.) The inlets and outlets of the Baltic must not be blocked by fixed nets.

(2.) In all fishery appliances which consist of two "wings" (*Flügel*) or two "*leinen*" and a "pouch," the meshes of the last half of the pouch may be of any size wished for.

Also, in the case of these fishery appliances, if the "pouch" has no "channel" (*Kehle*), the meshes of the front half of the pouch need not be wider than 1·5 c.m.

For seine-nets, *i.e.*, fishing appliances consisting of a "pouch" provided with a "channel" (*Kehle*) and two "wings" or "*leinen*," it will be sufficient if the meshes in the fore part of the "pouch" and in the "wings" are 1·7 c.m. wide.

(3.) The use of lances for eel fishing is allowed except in the months of May, June, and July.

(4.) From September 1st to April 1st cod fishing, and herring fishing on the outer coast of the Baltic, is allowed during the weekly close time.

(5.) Coast waters are not subject to the spring close season, provided above for inland waters. In place thereof the following regulations are to stand :—

(*a.*) During the months of May, June, and July, seine-net fishing, and all fishing with drag-nets generally, which are moved by sailing boats, is prohibited in coast waters, that is—

Near Wismar within a line from Fliemstorf to Brandenhusen, and onwards from Golwitz over the Langenwerder to the Wustrow Point.

Further—

In the Ribnitz inland sea, and the Mecklenburg part of the Saaler Bodden.

And—

In all others up to 1 kilometre from the coast.

(*b.*) From May 1st to June 30th inclusive, fishing may only be carried on by means of rod fishing and stationary tackle in the waters mentioned in (*a*); the use of herring nets only is allowed in addition during this month, except in such places as are declared to be preserves or spawning grounds by the authorities concerned, according to the ordinance of our Minister of the Interior.

(6.) In the Ribnitz inland sea and the Mecklenburg part of the Saaler Bodden, the gathering of "*post*" sea-wrack and similar plants in spawning close waters is generally prohibited, and in the other parts of those waters it is prohibited from April 10th to July 31st inclusive, so far as exceptions for certain waters to be specified are not allowed.

(7.) In cases of necessity, further restrictions than those given above in (5) and (6), may be imposed for the Ribnitz inland sea and the Mecklenburg part of the Saaler Bodden.

III. *Penal Provisions.*

§ 20. Contraventions of the provisions of this ordinance will—so far as they do not come under the provisions of the penal code for the German Empire—be punished by a fine not exceeding 150 marks, or imprisonment.

The punishment may be inflicted by police authorities.

In addition to the punishment, all fish exposed for sale, sold, or sent away, will be confiscated without regard to the fact whether it belongs to the guilty person or not.

Similarly illegal fishing tackle, or fishing tackle used in an illegal manner for fishing, may be confiscated.

§ 21. Any person making use of his dependents, servants, apprentices, or workmen for the commission of an act liable to penalties by the provisions of this ordinance, is obliged to pay the fines inflicted on them in addition to his own, if they are not solvent.

IV. *Supervision of Fisheries.*

§ 22. All police authorities of the land are obliged to supervise closely the execution of the provisions of this decree, authorities in towns, &c., must especially give their officers directions as to the local fish trade, and particularly as to fish markets.

Gensdarmes are obliged to report all contraventions coming to their knowledge.

Moreover, our Minister of the Interior is authorised to cause the appointment of fishery inspectors, through the authorities of localities situated on the coast concerned with sea fisheries—either for separate places, or, if the conditions allow, for several places united in one district.

V. *Concluding Provisions.*

§ 23. The provisions of this ordinance relating to restrictions imposed on fisheries, to prohibited fishing tackle, and to the nature of fishing tackle allowable, may be abrogated wholly or in part for those waters or coasts which are not exclusively under our authority.

§ 24. In so far as the provisions of this ordinance impose extensions or restrictions on fishery by special powers, or stipulate for further rules, and for this purpose special powers are not conferred on the local authorities by this ordinance, the Minister of the Interior is responsible [for the execution thereof].

§ 25. This ordinance is to come into force on April 1st, 1891.

Simultaneously the two ordinances of 20th July 1875, relating to the prosecution of fishery in inland waters, and the regulation of fishery in the Baltic, respectively, and the ordinance of the 9th July 1878, relating to the prosecution of fishery in frontier waters, together with the supplementary regulations to these ordinances issued, are abrogated.

Given at Schwerin, 18th March 1891,

(L.S.) FRIEDRICH FRANZ.

Ordinance of March 28th, 1898, amending the Fishery Ordinance of March 18th, 1891.

The following regulations are applicable to that part of the Saaler Bodden belonging to the Grand Duchy, including the Ribnitz inland sea, as an amendment to the regulations, formerly applicable, of the ordinance of the 18th March 1891 :—

1. § 17. The minimum measurement for the capture of eels is 35 centimetres.
2. § 19 (3). The use of lances (eel-spears, &c.) is only allowed from October 15th to April 9th inclusive.
3. § 19 (5). In place of the provisions of § 19 (5) *a* and *b*, for the Ribnitz inland sea and the Mecklenburg part of the Saaler Bodden, the following is to stand :—

   § 9 (2) of the ordinance is to be taken as prescribing the spring close season.

This ordinance is to come into force on April 1st, 1898.

Agreement concerning the Regulation of Fishery in the Waters of the Baltic near Wismar. December 8, 1880.

The ownership and use of the fisheries, and the punishments of infringements of police regulations, are settled by this agreement.

New Order for Fisheries in the Ribnitz Inland Sea and the Neighbouring Waters. March 28, 1898.

A tax is levied on fishery carried on in the Mecklenburg part of the Saaler Bodden.

Ordinance relating to the Protection of Fishery in the Ribnitz Inland Sea and in the Mecklenburg part of the Saaler Bodden. March 28, 1898.

This contains certain regulations for the execution of the Fishery Ordinance of March 18th, 1891, with regard to spawning close grounds and fishing tackle.

Ordinance relating to the Protection of Fishery on the Outer Coast of the Baltic, along the Coast of the State Domain of Doberan. June 10, 1893.

Treats of the erection of fishing apparatus and directions for keeping clear of such appliances.

Ordinance relating to Prohibition of carrying Fishing Tackle on Ships and Rafts. April 17, 1896.

Ordinance concerning Fishery in the Waters of the Baltic near Wismar. January 23, 1897.

Treats of the issue of fishing permits, setting up of fishing tackle, distinguishing marks for fishing boats and tackle, &c., &c.

Town of Rostock.

According to an ordinance of the Council of the town of Rostock, herring fishery with fixed nets will only be allowed on the Baltic coast if the place therefor is determined by the town authorities, and is changeable at their pleasure and under certain conditions concerning the tackle.

Grand Duchy of Mecklenburg-Strelitz.

Grand Ducal Ordinance relating to Fisheries. March 18, 1891.

As the Grand Duchy is not directly bordered by the Baltic, but far more by the Dassow lake, the ordinance is not repeated here.

LÜBECK.

Free Town of Lübeck.

Fishery Ordinance for the Free State of Lübeck. April 27, 1887.

The Senate, abrogating the Fishery Ordinance of the 23rd February 1881, has determined and decreed as follows:—

I.—General Regulations.

§ 1. This Fishery Ordinance is applicable to coast and inland fisheries in all waters under the authority of the State of Lübeck, with the exception of enclosed waters. These latter are—

(*a.*) All artificially constructed fish ponds, whether in connection with natural waters or not.

(*b.*) All waters not having a connection intended for the passage of fish.

§ 2. Fishing, within the meaning of this ordinance, includes the capture of crabs, shell fish, and other useful aquatic animals, so far as they do not come under the provisions of the hunting law. Wherever the expression "fish" is used in this ordinance it is held to include all such animals.

§ 3. Coast fishing within the meaning of this ordinance includes those fisheries which are carried on in those parts of the Baltic subject to the authority of the State of Lübeck, and in the Trave, with its mouths and outlets (including the Dassow Lake and the Poetnitzer Wiek), from its mouth upwards to the Herren Ferry, and the main dam from Lübeck to Travemünde. Inland fishery includes those fisheries carried on in other waters and in the Trave upwards from the point where coast fishery begins.

II.—Preservation of Fish.

§ 4. The capture of spawn is prohibited.

§ 5. Fish of the following kinds may not be taken if they are not at least of the following lengths, measured from the top of the head to the end of the caudal fin:—

Sturgeon	100 centimetres.
Salmon	50 „
"*Grosse Maräne*"	40 „
Eel, "*Rapfen*", Perch-pike	35 „
"*Schaalsee-Maräne*"	30 „
Bream, Salmon trout, Shad (Alose), Shad (Twait), Barbel, Carp	28 „
Chub, Dace, Tench, "*Schnepel*", Trout, Grayling	20 „
"*Goldbutt*"	18 „
"*Karausche*", "*Kleine Maräne*"	15 „
Roach, Perch, Rudd, Flat fish (flounders, plaice, &c.)	15 „
Crabs (common river crab)	10 „

§ 6. Spawn and fish of the kind specified in § 5 under the size noted there must, should they come alive into fishermen's hands, be put back into the water at once, with all care necessary to their safety.

They must not be used as bait.

§ 7. Spawn and fish of the kind specified in § 5 under the size noted there must neither be sold, nor exposed for sale, nor sent away, no matter where they may have been caught.

The use of undersized fish for making fish-oil, manure, cattle food, or for other commercial or industrial purposes, or the destruction, &c., of such fish is prohibited.

§ 8. The provisions of §§ 5 to 7 do not apply to spawn and fry in fish-breeding establishments.

In the interests of scientific investigation or of researches for the common good, and for purposes of artificial fish breeding, and also for stocking waters used for fish-breeding purposes, the supervision authorities (§ 38) may allow exceptions from the provisions of §§ 5 to 7, as far as necessary, and under suitable controlling rules.

III.—Close Seasons.

§ 9. The waters governed by this ordinance are subject to a weekly and an annual close season.

A. *Weekly Close Season.*

§ 10. The weekly close time extends from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening.

§ 11. During this close time every kind of fishing is prohibited, with the following exceptions :—

(*a.*) Rod-fishing is allowed.

(*b.*) The capture of such fish as usually appear in large shoals suddenly and disappear again in a short time, such as sturgeon, white-fish, herring, mackerel, sprats, and smelts, may be allowed with such appliances as are only intended and used for the capture of these kinds of fish, after permission has been previously obtained from the inspecting authorities.

(*c.*) Fishermen who carry on the so-called "still fishery" (*stille fischerei*) with fixed nets, weels, baskets, or lines, may be allowed to look after their tackle, take it up, and set it again.

(*d.*) In the case of inland fisheries an exception similar to that contained in (*c*) is allowed for fixed appliances and tackle only intended and used for eel fishing.

B. *Annual Close Season.*

§ 12. The yearly close season extends from April 10th to June 9th.

§ 13. During this close time the following regulations come into force :—

1.—*In Inland Fishery Waters.*

(1.) Every kind of fishing is prohibited, with the following exceptions :—

(*a.*) Fishing with a rod is allowed.

(*b.*) For five days in every week, from 6 o'clock on Monday morning to 6 o'clock on Friday evening, fishing with lines and eel baskets, except on spawning grounds, and rush, sedge, and reed-beds, is allowed.

(2.) The selling of so-called "*Quaven*" is prohibited.

II.—*In Coast Fishery Waters*

the following restrictions are in force :—

(1.) Fishing must not be carried on in the following waters :—

(*a.*) The so-called still water between the fencing and the bank up to the large quay on the right bank opposite Herrenwyk.

(*b.*) The Marienstein fishing ground in the Dassow sea as far as the Dassow bridge.

(2.) Fishing with drag-nets of every kind and description may not be carried on in shallows, in bays, on spawning grounds, and in rush-, sedge-, and reed-beds.

The Baltic coast is not subject to this restriction; moreover, herring nets may be used in sterile shallows not covered with plants.

(3.) Nets which drift with the current (trawl-nets, ground-nets, &c.) may not be used.

(4.) Stationary nets, fixed nets, weel, bow-nets, &c.), and baskets must not be set up on spawning grounds, in reed-, sedge-, and rush-beds, or at the borders thereof, or in such a manner as to block the approaches to these places. Weels for the capture of herrings or crabs are not subject to this restriction.

(5.) Nets of several "panes" (*Lädering*) may not be used in the Baltic.

§ 14. §§ 9–13 do not apply to crab fishing.

From November 1 to May 31, both days inclusive, crab fishing is prohibited.

If crabs should come alive into fishermen's hands, they must at once be put back into the water.

IV.—Close Waters.

§ 15. The inspecting authorities have the right of declaring separate stretches of water to be close waters. These must be made known by putting up special distinguishing marks, so far as the locality allows.

§ 16. In close waters every kind of fishing is prohibited, except that ordered or allowed by the inspecting authorities for purposes of protecting the fish, or for other useful or economic purpose.

V.—Prohibition of Destructive Methods of Fishing.

§ 17. The following are prohibited for fishery purposes :—

(1.) The use of destructive or explosive materials (poisoned bait or any means for stunning or destroying fish, explosive cartridges, or other explosives, &c.).

(2.) The use of any means for wounding fish as—traps with springs, tridents, eel hoes, lances, spears, stakes, firearms, &c.

The use of spears and lances for catching eels, and also lines and hooks, &c. is not subject to this prohibition.

(3.) Driving fish together at night by means of lights, torches, burning wood or straw, &c.

(4.) Beating, clattering, or splashing in the water or on the sides of boats with oars, poles, sticks, stones, or similar means.

(5.) The so-called beating ("*Dröhnen*") of fish on the ice.

(6.) In waters subject to coast fishery regulations, so-called "*Ströhwaden*," "*Aalglipen*," and, except in the Baltic, the use of drag-nets which are propelled over the bottom by means of sail or steam power (seines, &c.).

§ 18. Fish weirs and fences and so-called traps ("*Selbstfänge*") for salmon and eels in connection therewith must not be newly set up.

VI.—Nature and Use of allowable Fishing Appliances.

§ 19. For fishery purposes no fishing tackle (nets, &c., of any kind whatsoever) may be used of which the meshes when wet do not measure at least 2·5 centimetres in width in every part (the measurement being made from the middle of one knot to the middle of the next knot); this regulation extends to all parts or sections of fishing tackle. Certain exceptions are given below.

§ 20. For coast fishery purposes the following tackle may used, with meshes of a less width than that laid down in § 19:—

(1.) Draw-nets (drag-nets, "*Waden*," &c.), if the meshes are not less than 22 m.m. wide in the "wings" (*Flügel*), and not less than 13 m.m. wide in the "pouch."

For herring-"*Waden*" this minimum measurement is reduced to 16 m.m. in the "wings," and 10 m.m. in the "pouch."

For purposes of sand-eel fishing, permission may be given in exceptional cases to use small nets from May 1st to August 31st, with meshes 9 m.m. wide in the after part of the net, if this particular part is not more than 1·75 metres long.

(2.) Weels and fixed nets for herring fishery if the meshes are not less than 16 m.m. wide, but only from January 1st to June 30th in open water.

(3.) Crab-baskets and crab-hooks with meshes not less than 6 m.m. in width and 4 m.m. in the pouch, but only from April 15th to September 15th.

§ 21. For purposes of inland fishery the following fishing tackle may be used with meshes of a width less than that prescribed in § 19:—

(1.) Draw-nets (drag-nets, "*Waden*") if the meshes are at least 22 m.m. in the wings ("*Flügel*") and 18 m.m. in the "pouch."

(2.) "*Schwöre*"-nets with meshes not less than 22 m.m. wide.

(3.) "*Strickup*"-nets „ „ „ 22 „ „

(4.) "*Strickup*"-nets which are only intended for catching bleak, with meshes not less than 5 m.m. wide. These latter may, however, only be used from the 10th June to the 15th November, and by day only.

Tackle mentioned in (2) and (3) is only to be used by day, and only from June 10th to April 9th, also only in open water.

§ 22. With the exception of stake nets (fishing tackle consisting of a pane of nets provided with a "*Lädering*" and spread out with a pole), nets provided with several panes ("*Lädering*") may only be used in waters subject to coast fishery regulations.

The use of stake nets is, however, only allowed from September 1st to April 9th in inland fisheries.

§ 23. Spears and lances for eel fishery [s. 17 (2)] must not be provided with more than four hooks (barbed points).

There must be a space of at least 10 m.m. between the wooden handle and the barbs.

§ 24. Fishing baskets made of cane or rush must have spaces of at least 5 m.m. in the basketwork, and bow nets must have meshes at least 10 m.m. in width.

§ 25. The following regulations are in force as regards coast fishery grounds:—

(1.) Setting herring weels and changing the direction of the enclosing nets of such weels is only allowed after previous permission has been obtained from the inspecting authorities.

(2.) Surrounding herring weels and bow nets, &c., by means of fixed nets is not allowed.

(3.) Nets must be placed at a distance of 200 metres from the extreme end-stake of weels, or from other nets, and in the same direction as the latter and as the enclosing nets of the weels.

(4.) The channels and entrances of bays, lakes, rivers, streams, canals, &c., must not be blocked by means of stationary fixed nets.

VII.—Control of the Prosecution of Fishery.

§ 26. The prosecution of fishery in navigable waters must not impede nor be detrimental to shipping.

Fixed or floating fishery appliances and all other fishing tackle must be so placed or set as not to impede the free passage of ships and ferry-boats.

§ 27. Fishery appliances fixed to or connected with the banks of running waters or the bed thereof, and floating nets, must not extend over more than half of the breadth of the course of the water measured out from the bank at ordinary low water, without permission of the inspecting authorities.

Several sets of fishing tackle of the same kind may only be spread out or put up on the same or opposite sides of the river at a distance from one another of at least three times the length of the largest net.

§ 28. Stakes set up for fastening weels and their enclosing nets (except crab-baskets) nets, &c., &c., must project at least one metre above the average height of the water, and must be removed immediately the fishing operations are concluded.

It is forbidden to allow posts to remain in position when broken or sawn off under water.

§ 29. Herring weels and bow-nets must be provided with distinguishing marks put up in an easily discernible manner, on the end stake and on every fifth pole of the weel and the nets belonging to it.

§ 30. During winter fisheries, pieces cut out of the ice must be placed in an upright position in immediate proximity to the openings and fish-holes made, and must not be pushed under the ice.

It is only allowed to push pieces of ice under the ice sheet in the case of holes for pulling up nets, in so far as the said pieces are not necessary for marking out such holes. These holes are to be made known by bushes.

No fishing nor hunting holes may be made in or next to beaten tracks marked out on the ice, or within a distance of at least 4 metres from them.

§ 31. No fisherman may get in the way of any person already engaged in fishing, or encroach on the line of operation of any person who has already set up his fishing tackle.

§ 32. Every vessel engaged in fishing must have externally on the port bow and externally on the starboard side of the stern the christian and surname of, and the locality inhabited by, the owner in letters at least 6 c.ms. high in white oil-paint on a black ground, or carved in letters of the same height and painted white.

§ 33. Fishing tackle spread out for fishing purposes must be provided with the name and dwelling-place of the fishermen at each end, and these distinguishing marks are to be made clearly visible by being painted, branded, or carved upon a float or buoy.

In the case of herring weels and bow-nets, these marks are to be put upon the end stake.

§ 34. Care should be taken by fishermen when fishing that distinguishing marks laid down for marking out channels are not carried away or displaced by nets or lines.

If such marks should be displaced, the matter must be at once reported to the nearest harbour authorities.

VIII.—Gathering of Sea Plants.

§ 35. The gathering of sea plants under water is prohibited during the months from April to July inclusive. Exceptions from this prohibition may be allowed by the inspecting authorities.

The collection of seaweed, &c. thrown up on the shore is not affected by this regulation.

IX.—Penal Provisions.

§ 36. Contraventions of this ordinance—so far as they are not subject to the provisions of the penal code book—will be punished by the infliction of a fine not exceeding 150 marks or imprisonment for a period not exceeding six weeks. For contraventions of §§ 32 and 33 the penalty is not to exceed a fine of 30 marks or one week's imprisonment, as the case may be.

In the case of contraventions of §§ 4–7, 11, 13, 14, 16, and 17, the fish caught, sold, or sent away is to be confiscated, in addition to the sentence inflicted, whether the fish belongs to the guilty party or not.

In the case of §§ 17, 19–25, and 35, the illegal tackle used for fishery purposes may be confiscated.

§ 37. Any person making use of the services of a dependent, servant, apprentice, or workman for any contravention of this ordinance is liable to pay the fines inflicted on such persons if they are not solvent, in addition to his own.

X.—Control of this Ordinance.

§ 38. The maintenance of this ordinance is entrusted to the police officials, who at the same time are to perform the duties of supervision authorities.

§ 39. Fishery supervision officials (inspectors) must fly the Lübeck State flag by day and carry a red lantern by night on service vessels used by them.

As soon as the flag or lantern is hoisted, any person engaged in fishing must at once shorten sail and lay to, or stop rowing, and he must not change his position until he has received permission to do so from the inspecting authorities. This last provision applies equally to any person engaged in fishing, the fish trade, or the transport of fish, should he be hailed by fishery inspectors.

Given at Lübeck, in the Assembly of the Senate, April 27th, 1887.

Law relating to the Settlement of Industrial Fishery Conditions in Public Waters. May 11, 1896.

(Supplement to the official portion of the Lübeck Anzeige, 1896, No. 316.)

Ordinance relating to the Cession to the Police Authorities of the Supervision of Industrial Fishery Conditions in Public Waters. June 20, 1896.

(Code of Lübeck Ordinances and Notifications, No. 33.)

Principality of Lübeck.

(Within the Grand Duchy of Oldenburg, in East Holstein.)

Grand-Ducal Ordinance concerning Measures for the Protection and Development of Fishery. April 1, 1882.

We, Nicolas Frederick Peter, by the grace of God, Grand Duke of Oldenburg, &c., &c., &c., notify as follows :—.

Since an agreement has been concluded, on the 1st December 1877, between Prussia, the Thuringian States, Oldenburg, Braunschweig, Anhalt, Lübeck, Bremen, and Hamburg, for the purpose of introducing concerted measures for the protection and development of fishery, and since the latter has received the constitutional approval of the Diet, as have also the protocol pertaining thereto, and a supplement to the agreement approved by the said States on May 8th, 1880 :

LÜBECK. We now bring this agreement, together with the protocol and supplement thereto, to public knowledge and for execution in the Principality of Lubeck, as follows :—

Article 1.—*Scope of Operation.*

§ 1. The following regulations are applicable to coast and inland fisheries in the waters of the Principality given below (*see*, however, Art. 4 (3) *c.*, sentence 4) :—

(1.) Those parts of the Baltic belonging to the Principality.

(2.) Lakes.

(3.) Public waterways (Art. 2 of the Water Ordinance for the Principality of April 9th, 1879).

§ 2. Fishing, within the meaning of this ordinance, also includes the capture of crabs.

Wherever the expression "fish" is made use of in this ordinance, crabs are included therewith.

§ 3. Coast fishery within the meaning of this ordinance includes those fisheries carried on in the parts of the Baltic belonging to the Principality.

Inland fishery within the meaning of this ordinance includes fisheries carried on in the other waters named in § 1 of this Article.

Article 2.—*Marking of Tackle lying out for Fishery Purposes.*

Tackle lying out for fishing purposes, in the absence of the fisherman must be provided with a board, firmly fastened to the tackle, on which the fisherman's name, or the first letters thereof, must be plainly carved or branded.

Article 3.—*Laying New Fish-weirs, &c.*

Fish weirs and fences, and so-called "traps" (*Selbstfänge*) in connection therewith for salmon and eels, must not be newly laid down unless fishery rights for this special mode of capture are in existence.

Article 4.—*Fishery Police Regulations.*

The following regulations are applicable to coast and inland fisheries :—

(1.) Fishing for spawn, fry, &c. is prohibited. If such should come alive into the fisherman's hands it must be at once replaced in the water with all the care necessary to its safety.

(2.) Fish of the following kinds may not be caught if they are under the sizes given below, measured from the top of the head to the end of the tail :—

Sturgeon [Acipenser sturio]	100 c.m.
Salmon [Salmo salar]	50 „
"*Grosse Maräne*" [Coregonus maraena]	40 „
Eel [Anguilla vulgaris]	35 „
"*Rapfen*" [Aspius vorax rect. rapax]	
Perch-pike [Lucioperca sandra]	
Barbel [Barbus fluviatilis]	28 „
Bream [Abramis brama]	
Shad [Clupea finta]	
Carp [Cyprinus carpio]	
Salmon trout [Salmo trutta]	
Shad (Alose) [Clupea alosa]	
Chub [Idus melanotus]	20 „
Grayling [Thymallus vulgaris]	
Dace, *a kind of* [Squalius cephalus]	
Trout [Salmo fario]	
Tench [Tinca vulgaris]	
"*Schnepel*" [Coregonus oxyrhynchus]	

Whitefish [Abramis blicca] - - -	18 c.m.
Perch [Perca fluviatilis] - - -	15 „
"*Karousche*" [Carassius vulgaris] - -	
"*Kleine Maräne*" [Coregonus albula] - -	
Flat fish (flounders, plaice, &c.) - - -	
Roach [Leuciscus rutilus] - - -	
Rudd [Scardinius erythrophthalmus] - -	
Crabs (common river crab) [Astacus fluviatilis] -	10 „

In coast fishery waters eels may be taken of a size not less than 30 centimetres.

(3.) Moreover the following are prohibited for fishery purposes :—

(*a.*) The use of destructive or explosive materials (poisoned bait or any means for stunning or destroying fish, explosive cartridges, or other explosives, &c.).

(*b.*) Driving fish together at night by means of lanterns, torches, &c.

(*c.*) The use of means for wounding fish, such as traps with springs, tridents, eel hoes, spears, lances, stakes, firearms, &c.

The use of spears for catching eels is allowed in coast fisheries from October 15th to April 9th. These must not be provided with more than four barbs. A space of at least 10 m.ms. must be left between the wooden handle and the barbs on each side of the latter.

Angling is allowed.

From March 1st to June 9th fishing with the above-mentioned means for wounding fish is also prohibited in the low ground near lakes and public waterways [Art. 1, § 1 (2) and (3)] which has been flooded by the high water overflowing its banks.

(*d.*) In coast fisheries the use of drag-nets, which are moved over the bottom of the water by means of sail or steam power (seine-nets, &c.).

Should, however, a contracting State allow the use of drag-nets of this kind, the Government may sanction the use thereof.

(4.) After the 31st December 1882 no fishing tackle (nets, &c. of any kind whatever), with the reservation of the exceptions given subsequently, may be used of which the meshes or openings are not at least 2·5 c.ms. wide in every part, when wet, measured from knot to knot.

This regulation applies to all parts of the divisions of the nets.

The Government reserves the right of allowing exceptions from this regulation for certain kinds of fishing tackle in cases of necessity.

For the capture of eels fishing tackle with meshes not less than 1 c.m. wide is allowed; the capture of herrings, sprats, smelts, sand-eels, file-fish, lampreys, crabs, and ruff is allowed with fishing appliances of any width of mesh.

Article 5.—Close Times.

§ 1. Fishery in the waters mentioned in Art. 1, § 1, is subject to the restriction of a weekly close time, which extends from sundown on Saturday to sundown on Sunday. During this time fishery is prohibited, subject to the following reservations :—

(*a.*) Rod fishing is allowed, but not fishing with fixed lines.

(*b.*) In coast fishery waters fishermen who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances, with sunk nets, weels, baskets, or lines, are allowed to leave the tackle in use spread out or set during the weekly close time, to see after it, take it up, and set it again.

(*c.*) For inland fisheries an exception similar to that provided for in (*b*) is granted in the case of eel-pots and ground-lines.

(*d.*) Also for coast fisheries waters specified in Art. 1, § 1 (1), the Government may allow temporarily, in cases of urgent necessity, the capture of certain kinds of fish during the weekly close-time. (2.) The Government reserves the right of allowing the so-called "still fishery" (*stille fischerei*) with fixed appliances where legal authorisation for this kind of fishing exists.

§ 2. Inland fisheries are, moreover, subject to an annual close season from April 10th to June 9th inclusive.

During the annual close season every kind of fishing is prohibited in the waters subject thereto, with the following exceptions :—

(*a.*) Rod-fishing is allowed.

(*b.*) Fishing with lines of all kinds and eel-pots is allowed on three days in each week, from sunrise on Monday to sunrise on Wednesday, and from sunrise on Friday to sunrise on Saturday, but not on spawning grounds, or on reed-, sedge-, rush-, or plant-beds.

In single special cases, and so far as the maintenance of the stock of fish allows, the Government may allow fishing to be carried on during the yearly close time, as an exception, by means of fixed appliances (weirs, fences, traps for salmon and eel), fixed nets (block-nets, &c.), and also by means of nets or wheels, floating, or fastened or attached to the bank or bed of a river.

§ 3. The provisions contained in the preceding §§ 1 and 2 do not apply to crab fishery.

The capture of crabs in waters mentioned in Art. 1, § 1 (2) and (3) is prohibited from November 1st to May 31st.

§ 4. During close times those stationary fishery appliances which are allowed by this ordinance (Art. 3) must be removed or taken unless they are exceptionally allowed to be used for fishing purposes at these times.

The owners thereof will be proceeded against by law, if necessary.

This § is not to apply to fishery rights granted by means of leases already in existence.

Article 6.—*Regulations for the Protection of Fish.*

§ 1. If fish, the capture of which is prohibited at that time or on account of the size, should come, living, into fishermen's hands, they must be at once returned to the water, with all the care necessary to their safety.

§ 2. If the capture of fish under a certain size is prohibited, then such fish may neither be exposed for sale, nor sold, nor sent away, if under that size, without distinction as to whether they were caught in the waters given in Art 1, § 1, or any other waters.

This regulation does not apply to fry in fish-breeding establishments; and also owners of waters not mentioned in Art. 1, § 1, are allowed to sell and send away spawn and fry for breeding purposes.

§ 3. In the interests of scientific investigation or of experiments for the common good, and for the purposes of artificial fish breeding, the Government may allow exceptions from the provisions of §§ 1 and 2, clause 1 of this Article, so far as necessary and under suitable controlling rules.

Article 7.—*Pollution of Waters.*

§ 1. The pollution of waters, Art. 1, § 1, by introducing harmful matter in such quantities that the fish and their fry therein may be destroyed or seriously injured, is prohibited.

§ 2. The steeping of flax and hemp in waters given in Art. 1, § 1, is prohibited.

§ 3. The Government may allow exceptions from the prohibitions given in §§ 1 and 2, subject to certain restrictions.

Article 8.—*Fishery Supervision.*

Special fishery inspectors for the direct supervision of fisheries may be appointed by the State, and by local places, with the approval of the Government.

Article 9.—*Penal Provisions.*

§ 1. A penalty not exceeding 30 marks will be inflicted on—

Any person who, contrary to the provisions of Art. 2, sets out fishing tackle without the prescribed distinguishing marks.

§ 2. A penalty not exceeding 150 marks will be inflicted on—

(1.) Any person transgressing the prohibitions of Art. 3, Art. 4 (1) (3) and (4), and Art. 5, §§ 1 to 3.

(2.) Any person who, contrary to the provisions of Art. 5, § 4, does not remove or abolish fixed fishery appliances at the proper time.

(3.) Any person who, contrary to the provisions of Art. 7, § 1, introduces into waters harmful matter dangerous to the fishery, or steeps flax and hemp in fishing waters (Art. 7, § 2).

§ 3. A penalty not exceeding 90 marks will be inflicted in cases of all contraventions of the provisions of Art. 6, § 1 and § 2, clause 1, of this ordinance.

Article 10.—*Fishery Regulations of the Water Ordinance.*

The regulations in Art. 15, § 4, of the Water Ordinance of the Principality relating to fishery in public waterways are not affected by this ordinance.

Given under our hand and seal, &c.

Oldenburg, April 1st, 1882.

(L.S.) PETER.

Free Town of Hamburg.

Revised Law relating to the Prosecution of Fishery in the State of Hamburg. June 15, 1887.

(Hamburg Code of Laws, 1887, p. 89.)

The Senate, in agreement with the citizens, has decreed, and announces as a law, the following:—

§ 1. *General Provisions.*—In the State of Hamburg fishery may only be carried on in accordance with the following regulations.

These regulations, however, are not concerned with the prosecution of fishery in enclosed waters, that is to say, in such waters as are not provided with a connection for the passage of fish and in all artificially constructed fish ponds, whether these latter are connected with natural waters or not.

§ 2. *Inspecting (Supervision) Authorities.*—Fishery inspecting authorities are the existing police authorities.

They will commission officials for the special purpose of inspection.

§ 3. *Fishing Rights.*—Fishing rights in non-enclosed waters already existing by means of a private title are not altered by this law. But the persons holding the rights must, however, only carry on fishery according to the extent of the provisions of this law.

A legal settlement of fishery rights will be made in those parts of the Elbe and its tributaries in which no private rights exist.

§ 4. *Prohibition of the capture of spawn and fry. Minimum size at which fish and crabs may be caught:—*

(*a.*) The capture of spawn is prohibited.

(*b.*) Fish of the undermentioned kinds, and crabs, may not be caught if they do not measure at least the following lengths, from the top of the head to the end of the caudal fin:—

Sturgeon [Acipenser sturio] - - -	100 c.m.
Salmon [Salmo salar] - - - -	50 ,,
"*Grosse Maräne*" [Coregonus maraena] -	40 ,,

HAMBURG.

Perch-pike [Lucioperca sandra]	35 c.m.
"*Rapfen*" [Aspius rapax]	
Eel [Anguilla vulgaris]	30 „
"*Schaalsee-Maräne*"	
Barbel [Barbus fluviatilis]	28 „
Bream [Abramis brama]	
Pike [Esox lucius]	
Salmon trout [Salmo trutta]	
Shad (Alose) [Clupea alosa]	
Shad (Twait) [Clupea finta]	
Carp [Cyprinus carpio]	
Tench [Tinca vulgaris]	20 „
Chub [Idus melanotus]	
Dace (*a kind of*) [Squalius cephalus]	
Trout [Salmo fario]	
"*Schnepel*," "*Nordseeschnepel*" [Coregonus oxyrhynchus] and "*Ostseeschnepel*" [Coregonus lavaretus]	
Grayling [Thymallus vulgaris]	
Plaice [Pleuronectes platessa]	18 „
Flounders [Pleuronectes flesus]	15 „
"*Karausche*" [Carassius vulgaris]	
"*Kleine Maräne*" [Coregonus albula]	
Rudd [Scardinius erythrophthalmus]	
Roach [Leuciscus rutilus]	
Perch [Perca fluviatilis]	
Crabs (*Crawfish*) [Astacus fluviatilis]	10 „

The Senate is empowered to add other fish to the list given above or to alter the prescribed minimum measurement.

(*c.*) Spawn, fish of the kind specified in (*b*), and crabs under the size noted there, must, should they come, living, into fishermen's hands, be returned to the water immediately with all care necessary to their safety.

§ 5. Spawn, fish of the kinds specified in § 4 (*b*), and crabs under the sizes given there, may neither be exposed for sale, nor sold, nor sent away, without distinction as to whether they were taken in enclosed or non-enclosed waters.

The use of undersized fish, caught in non-enclosed waters, for making fish-oil, cattle food, manure, or for any other commercial or industrial purpose, or the destruction of such fish, are prohibited.

§ 6. The provisions of §§ 4 and 5 do not apply to spawn and fry in fish-breeding establishments.

In the interests of scientific investigation or of experiments for the common good and for fish-breeding purposes, exceptions from the provisions of §§ 4 and 5 may be allowed, so far as necessary and under suitable controlling rules. In particular, individual holders of fishery rights may be temporarily and provisionally allowed to catch, for the above-mentioned purposes, the smaller fish of the kinds given in § 4 and also crabs; and owners of enclosed waters to sell and send away fry for fish-breeding purposes.

§ 7. *Close Times*—

(*a.*) Enclosed waters are not subject to any close time.

(*b.*) All non-enclosed waters in the State of Hamburg are subject to a weekly close time, *i.e.*, 24 hours in each week (*see* § 8).

(*c.*) Moreover the following waters are subject to an annual close season of two months from April 10th to June 9th:—

The Elbe above Zollenspieker.

The great Dove-Elbe from its confluence with the Norder-Elbe upwards.

The Gose-Elbe.

The small Dove-Elbe on the south-east side of Ochsenwärder from Ortkathen upwards.
The Alster and all non-enclosed waters in the basin of the Alster.
The Bille.
All non-enclosed waters within the dyke system.

(*d.*) Salmon fishing with drag and trawl-nets is prohibited in the basin of the Elbe—
below Zollenspieker from September 1st to November 30th inclusive;
above Zollenspieker from September 15th to December 15th inclusive.

§ 8. *Weekly Close Time.*—The weekly close time extends from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening. The inspecting authorities are empowered to arrange for this close time to extend for the duration of two tides in coast fishery waters, beginning from the first low tide after 6 o'clock on Saturday evening.

During these 24 hours all fishery is prohibited, with the following exceptions:—

(*a.*) Fishermen who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances with sunk nets, weels, or lines, are allowed to see after the tackle in use, to take it up and set it again.

(*b.*) Rod fishing is allowed.

§ 9. *Spring Close Season.*—In waters subject to the annual close season according to § 7 (*c*), fishing may only be allowed during that period (10th April to 9th June) as follows:—

(*a.*) Fishing with drag-nets is allowed on three days in each week, from 6 o'clock on Monday morning to 6 o'clock on Thursday morning, and the capture of salmon, salmon trout, shad (alose), shad (twait), and smelts is allowed for five days in each week, from 6 o'clock on Monday morning to 6 o'clock on Saturday morning.

(*b.*) Rod fishing is allowed, as is also the capture of eels with such appliances as are only intended and used for eel fishing, especially those of wicker-work, with the exception, however, of hoop nets fastened or attached to the banks or bed of rivers.

§ 10. During the weekly and annual close seasons prescribed in §§ 7 to 9 allowable fixed fishery appliances in non-enclosed waters must be removed or abolished.

§ 11. *Close Time for Crabs.*—The capture of crabs is prohibited in all non-enclosed waters from November 1st to May 31st. If crabs should come, whilst living, into the hands of fishermen during the regulation close season, they must be at once put back into the water with all the care necessary to their safety.

§ 12. *Close Waters for the Spawning of Fish.*—Upon a decree of the Senate close waters for the spawning of fish shall be established, but waters shall only be declared as close grounds if no private individuals have fishing rights therein. In close waters the only form of fishing permissible is that allowable by the inspecting authorities.

§ 13. *Prohibited Methods of Fishing.*—For fishing purposes in non-enclosed waters the following methods are prohibited:—

(*a.*) The use of destructive or explosive materials (poisoned bait or any means for stunning or destroying fish, explosive cartridges, or other explosives).

(*b.*) The use of means for wounding fish, such as traps with springs, tridents, eel-hoes, spears, lances, stakes, &c.

Eel spearing is still allowed to be carried on by those persons holding private fishery rights.

(*c.*) Driving fish together at night by means of lights or torches.

§ 14. *Stationary [fixed] Fishery Appliances.*—Fish-weirs, fish-fences, and so-called traps ("*Selbstfänge*") in connection therewith for salmon and eel, may not be newly laid down unless rights therefor are already in existence.

The renewal of existing weirs, &c., may, however, be allowed even without the existence of rights for this particular method of catching fish.

§ 15. *Structure of Fishing Appliances.*—With the reservation of the exceptions given below, no fishing tackle (nets, &c. of any kind or description) may be used in non-enclosed waters the openings or meshes of which, when wet, are not at least 2·5 c.ms. wide in all parts, measured from the middle of one knot to the middle of the next. This regulation applies to all parts or sections of the tackle, but the minimum measurement does not apply to the so-called channels ("*Kehlen*") of nets.

The above-mentioned width of mesh is not necessary for the capture of eels, herrings, sprats, anchovies, smelts, lampreys, and shrimps.

§ 16. The prosecution of fishery in navigable waters must not hinder nor be harmful to navigation. Fixed or floating fishery appliances and all other fishing tackle must be so placed or set as not to impede the free passage of ships and ferry-boats, or the flow of water.

Fishery appliances fixed to or connected with the banks of running waters or the bed of a river, and also nets of all kinds may only be spread out or put up at the same time on the same or opposite banks, at a distance from each other of at least three times the length of the longest net; the above-mentioned fishery appliances, moreover, may in no case extend over more than half the width of the course of the water—measured out from the bank at ordinary low water.

§ 17. *Penal Provisions.*—Contraventions of the provisions of this ordinance will—so far as they are not subject to the penalties of the German penal code—be punished by the infliction of a fine not exceeding 150 marks or imprisonment.

The illegal fishing tackle used for fishing may also be confiscated.

The police authorities are empowered to confiscate fish under the prescribed size which are offered for sale or sent away, without distinction as to whether they belong to the guilty party or not.

§ 18. The inspecting authorities are empowered—

To dispense with the regulations relative to the sale of undersized fish, to close times, and to the structure of fishing tackle in single cases of urgent necessity;

To issue such regulations relative to the prosecution of fishery in public waters as may be necessary for the execution and observance of this ordinance amongst those carrying on fishery operations.

Given in the Assembly of the Senate, Hamburg.

June 15, 1887.

Notification of the Senate relating to the Minimum Measurement for the Capture of Eels. October 17, 1894.

The minimum measurement for the capture of eels [Anguilla vulgaris] is reduced to 25 centimetres.

Notification relating to the Anchoring of Sea-Fishery Vessels in the Navigable Water Fairway near Cuxhaven, December 16, 1880.

Notification relating to the Use of the Fish Harbour in Cuxhaven. October 18, 1892.

Notification.

On the basis of § 18 of the Law of June 15, 1887, concerning the prosecution of fishery in the State of Hamburg, it is hereby prohibited to set any kind of floating or fixed fishery appliance whatever (inclusive of anchors marked out

by buoys for fishing vessels or tackle) in the Hamburg part of the Elbe, near Moorburg. HAMBURG.

And, moreover, fishing with nets is prohibited in the channel of the South Elbe, in front of the Moorburg fields, for the whole breadth of the river, and from there to the northern point of the Ellernholz, in the left half of the river.

Contraventions of this ordinance will be punished by a fine not exceeding 50 marks, or a corresponding period of imprisonment.

The notification of the Lord of the March lands of 5th February 1894, by which the setting-up of fixed or floating fishery appliances was subject to a permit, is hereby abrogated.

Notification concerning the Roadstead and the Channel of the Elbe near Cuxhaven. April 15, 1898.

Free Town of Bremen. BREMEN.

Fishery Law. May 27, 1888.

The Senate, in agreement with the citizens, decrees:—

Scope of Application.

§ 1. This law is applicable to all non-enclosed waters under the authority of the State of Bremen.

Enclosed waters, within the meaning of the law, are—

(1) Artificially laid out fish ponds, whether connected with natural waters or not.
(2) Waters not provided with a connection for the passage of fish.

The following waters are consequently to be considered as non-enclosed waters within the meaning of the law:—

(1.) The basins of the Weser, Wumme, Lesum, Ochtum, and the Bareler Bäke.
(2.) All watercourses under the supervision of the State, of communes, or of drainage or irrigation associations (canals, draining ditches, water conduits, &c.), and also all navigable canals.

Disputes as to whether waters are to be considered as enclosed or not according to this law will be settled by the supervision authorities (§ 34) with the exception of proceedings-at-law.

§ 2. Crabs are to be considered as fish within the meaning of the law.

§ 3. The provisions of this law relating to the sale, offering for sale, or sending away of fish, are applicable to all fish, without distinction as to whether they were caught in enclosed or non-enclosed waters.

§ 4. Coast fishery, as opposed to inland fishery, within the meaning of this law, is that fishery which is carried on in the Weser below the straight line drawn from the end of the separation works between the Weser and the Ochtum, point H of the Oldenburg-Bremen boundary, to the left towards the eastern corner of the middle building of the three lying beyond the dyke at Lemwerder, and to the right towards the Langeschen wharf lying in the Vegesack.

Fishery Rights.

§ 5. Existing fishery rights are subject to the restrictive provisions of this law.

Within the basins of the Weser and the Lesum under the authority of the State of Bremen (up to the confluence of the Wumme and the Hamme), the right of carrying on fishery continues to belong to the fish-guild in Bremen

to its former extent up to the end of the year 1904, when it lapses to the State of Bremen.

In all other waters the right of fishing belongs to the communes within the limits of their districts, to the exclusion of free fishery, with the exception of those private rights which were granted in accordance with the Fishery Law of November 5th, 1882. The same applies to communes bordering on the Weser or Lesum, in which up to the present members or inhabitants as such had been entitled to carry on fishery.

If a stretch of water forms a boundary between two communes without belonging solely to the territory of one or the other, the fishery rights therefor are the common property of the two communes.

Fishery rights which have belonged to the citizens or inhabitants of the town of Bremen as such, or to the members or inhabitants of a commune as such, are abrogated, with the exception of rod fishing, which is still allowed to them. Persons fishing with a rod are, however, obliged, in the event of their encountering a person holding special fishery rights (official fishermen or other person possessing or leasing fishing rights), to give way to him, should he be fishing with nets.

Other fishery rights in existence at present are not affected by this law.

§ 6. Communes are to make use of fisheries either by means of fishermen to be appointed by them, or by leasing. The number of fishermen to be thus appointed, or of leases to be granted, may be limited by the inspecting authorities.

Free donation of the fishery is not allowed.

Leases must run for at least six years, with the reservation of special exceptions allowed by the inspecting authorities.

The division of fishery grounds belonging to one commune into several leases requires the sanction of the inspecting authorities.

The inspecting authorities are authorised to determine what number of allowable fishing appliances may not be exceeded in each district leased.

If two or more communes enjoy equal rights over waters bordering on their territory, fishing therein may only be used for their common benefit. The inspecting authorities are to decide disputes—except legal actions—as to the mode of use and settlement of accounts.

Fishing Permits and Certificates of Rights.

§ 7. Any person wishing to carry on fishery in the fishing grounds of other people holding rights or beyond the limits of his own rights, must be furnished with a fishing permit drawn up in legal form or attested, as the case may be, which he must always have with him, as authorisation, when fishing. For carrying on rod fishing as allowed by § 5, par. 5, of this law, no authorisation is necessary.

§ 8. Only persons owning or leasing fishery rights are entitled to issue such fishery permits within the boundaries of the grounds over which they have rights.

The fishery permit must name the person, the water or waters for which it is issued, and the period settled on, which must not exceed three years. It may contain restrictions with respect to the prosecution of fishery, *e.g.*, as to the nature and quantity of tackle, the number of boats to be used, &c.

The number of fishery permits to be issued by each person owning or leasing rights may be limited by the inspecting authorities.

§ 9. If fishery permits are not issued by a public authority, or by the magistrate of a commune, they require the verification of the local police authorities in whose district the person issuing the permit lives.

The verification of the fishing permit only applies to the signature of the person issuing it, and contains no acknowledgment of the rights of the same.

A tax of 25 pfennigs is levied for issuing or verifying a fishery permit by any public authority.

§ 10. Any person wishing to carry on fishery operations within the limits of his own rights, or as a lessee, must previously apply to the inspecting authorities, and will thereupon receive, free of costs and stamp duty, a licence which he must always have with him when fishing.

§ 11. Assistants operating in the presence of owners or lessees of fishery rights, or of persons holding fishery permits, require no authorisation.

Distinguishing Marks on Tackle spread out for Fishing Purposes.

§ 12. Tackle lying out for fishing purposes, in the absence of the fisherman must be provided with a distinguishing mark by means of which the personality of the fisherman may be ascertained. Detailed regulations as to the nature of these marks will follow in the form of an ordinance.

Obstacles to the Passage of Fish.

§ 13. The passage of fish in running waters may not be blocked for fishery purposes either by means of fixed (stationary) appliances, or by means of fishing tackle fixed to or connected with the bank or bed of the river (weels, block-nets, &c.) for more than half the width at ordinary low water measured in the shortest straight line from bank to bank, without permission of the police authorities.

Several sets of fishing tackle of the same kind may only be spread out or put up on the same or opposite sides of the river at a distance from one another of at least three times the length of the largest of the nets in use.

§ 14. Fish weirs, fish fences and traps (*Selbstfänge*) in connection therewith for salmon and eels may not be newly erected unless rights therefor are already in existence.

The renewal of already existing fishery appliances of this kind may, however, be allowed by the competent police authorites according to the conditions of § 13, even without already existing rights therefor.

§ 15. Without police permission waters may neither be dammed up, nor drained off, nor cut off for fishing purposes.

Prohibition of Hindrances to Navigation and of Damage to River and Coast Works, &c.

§ 16. The prosecution of fishery in navigable waters must neither impede nor be detrimental to navigation. In all non-enclosed waters fixed or floating fishery appliances, and all other fishing tackle, must be so placed or set as not to impede the free passage of ships or ferry boats, or the flow of water.

It is prohibited to make use of river structures, fences, or towing paths for pulling up fish baskets or for fastening stakes with the permission of the police authorities. Navigation marks for marking out channels must neither be removed nor damaged.

Restrictions as to Methods of Fishing.

§ 17. For fishing purposes the following are prohibited :—

(1.) The use of destructive or explosive materials (poisoned bait, or any means for stunning or destroying fish, explosive cartridges, or other explosives, &c.).

(2.) The use of means for wounding fish, such as traps with springs, tridents, eel hoes, spears, lances, stakes or firearms.

(3.) Driving fish together at night by means of lights or torches.

§ 18. With the reservation of special exceptions which may be granted by the inspecting authorities in cases of necessity for particular kinds of fishing appliances, no fishing tackle (nets, &c. of any kind or description) may be

BREMEN. used of which the openings or meshes, when wet, do not measure at least 2·5 c ms. in width in every part (the measurement being made from the middle of one knot to the middle of the next knot).

This regulation applies to all parts or sections of nets, but it does not apply to such fishing tackle as is solely intended or used for the capture of herrings, smelts, eels, lampreys, bleak, and stickleback. In the case of nets provided with so-called "channels" ("*Kehlen*") the minimum measurement does not apply to the channels.

Regulations for the Protection of Fry.

§ 19. The following regulations are applicable to the prosecution of fishery in coast and inland fishery waters :—

(1.) The capture of spawn and fry is prohibited.

(2.) Fish of the under-mentioned kinds and crabs may not be caught if they do not measure at least the following lengths, from the top of the head to the end of the caudal fin :—

Sturgeon [Acipenser sturio]	100 c.m.
Salmon [Salmo salar]	50 „
"*Grosse Maräne*" [Coregonus maraena]	40 „
Perch-pike [Lucioperca sandra], "*Rapfen*" [Aspius rapax]	35 „
Eel [Anguilla vulgaris]	30 „
Bream [Abramis brama], Salmon trout [Salmo trutta], Shad (Alose) [Clupea alosa], Shad (Twait) [Clupea finta]	28 „
Pike [Esox lucius]	25 „
Chub [Idus melonotus], Barbel [Barbus fluviatilis], Dace (a kind of) [Squalius cephalus], "*Schnepel*" [Coregonus oxyrhynchus], Carp [Cyprinus carpio], Tench [Tinca vulgaris]	20 „
Trout [Salmo fario], Grayling [Thymallus vulgaris], Plaice [Pleuronectes platessa]	18 „
Karausche [Carassius vulgaris], "*Kleine Maräne*" [Coregonus albula], Rudd [Scardinius erythropthalmus], Flounder [Pleuronectes flesus]	15 „
Perch [Perca fluviatilis], Roach [Leuciscus rutilus]	13 „
Crabs (common river crab) [Astacus fluviatilis]	10 „

On the authority of the Senate, other fish may be added to the above list, and the minimum measurements given there may be altered.

(3.) Spawn and fry and also fish given in (2) and under the size specified must, if captured by fishermen, be at once put back into the water if alive, with all the case necessary to their safety.

§ 20. Spawn and fry and also fish of the kind specified in § 19 (2), and crabs under the size given there, must neither be exposed for sale nor sold nor sent away [*see* § 3].

The use of undersized fish, caught in non-enclosed waters, for the purpose of making fish oil, cattle food, manure, or for any other commercial or industrial purpose, is prohibited, as is also the destruction thereof.

§ 21. The provisions of §§ 19 and 20 do not apply to spawn and fry in fish-breeding establishments.

In the interests of scientific investigation or of experiments for the common good, and for purposes of artificial fish breeding, the inspecting authorities

may allow exceptions from the provisions of §§ 19 and 20, so far as necessary and under suitable controlling regulations.

In particular, the inspecting authorities may allow, for the above purposes, individual holders of fishery rights to catch fish of the kinds specified in § 19, and crabs of a size less than that given there, temporarily and conditionally, and they may also allow the owners of enclosed waters to offer for sale, sell, and send away spawn and fry for breeding purposes.

Close Seasons and Close Waters.

§ 22. Enclosed waters are not subject to any close season.

All non-enclosed coast or inland fishery waters are subject to a weekly close time.

Non-enclosed inland fishery waters are also, moreover, subject to an annual close season (spring close season).

Salmon fishery with drag and trawl nets is prohibited in the Weser—

(*a.*) In the coast fishery part, from August 15th to October 15th, inclusive;
(*b.*) From the limit of coast fishery upwards from September 15th to December 15th inclusive.

§ 23. The weekly close time extends from 6 o'clock on Saturday evening to 6 o'clock on Sunday evening.

The annual close season (spring close time) extends from 6 o'clock in the morning of April 10th to 6 o'clock in the evening of June 9th.

§ 24. During the weekly close season the prosecution of fishery is prohibited in coast and inland fishery waters, with the reservation of the exceptions given below (§ 25).

During the annual close season fishery may only be carried on in inland fishery waters on three days in each of the weeks falling within the close season, beginning at 6 o'clock on Monday morning and ending at 6 o'clock on Thursday morning.

The inspecting authorities have the right of allowing fishery to be carried on on five days in each of the weeks falling within the close season, beginning on Monday morning at 6 o'clock.

Salmon fishery and the capture of salmon trout in the Weser are, however, allowed on five days in each of the weeks falling within the close season from Monday morning at 6 o'clock to 6 o'clock on Saturday morning, so far as the inspecting authorities do not impose any restriction.

Drag and trawl-nets used in the Weser principally for the capture of salmon must have meshes at least 5 centimetres wide, measured from the middle of one knot to the middle of the next knot when the net is wet.

§ 25. During the weekly and annual close seasons—

(1.) It is allowable—

(*a.*) For fishermen who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances with sunk nets, weels, or baskets, to take up their nets and set them again if, in the opinion of the inspecting authorities, no harmful impediment to the passage of migratory fish is to be feared by their doing so. A similar course may be pursued in the case of fixed appliances and tackle of the above-mentioned kind solely intended for the capture of eels;

(*b.*) Rod fishing, but not fishing with fixed lines.

(2.) The inspecting authorities may exceptionally allow—

(*a.*) The capture of eels and of such fish as usually appear in large shoals suddenly and disappear again in a short time, such as lampreys, sturgeon, herrings, shad (alose), and smelts, with such tackle as is solely used and intended for the capture of these kinds of fish;

(*b.*) In the interests of scientific investigation, or of researches for the common good, or for purposes of artificial fish breeding, or, finally, for the protection of other fish against fish of prey, the capture of

certain kinds of fish not mentioned above, as far as necessary, and under suitable controlling rules.

For every kind of fishing allowed during close time, however, the use of all fishing tackle, in itself allowable, which would be most likely to harm fry is prohibited.

§ 26. If required by urgent considerations with regard to the maintenance of the stock of fish, the fishery inspectors may, after hearing the parties interested and experts, entirely prohibit fishing during the spring close season for certain waters or parts of waters, or may restrict it in a manner exceeding the above regulations, *i.e.*, the capture of certain kinds of fish or the use of certain sorts of fishing tackle may be entirely prohibited during the whole close season.

§ 27. The inspecting authorities are empowered, after consultation with experts and the parties interested—

(1) To fix the weekly close time for coast fishery for the period of two tides, beginning from the first low tide after 6 o'clock on Saturday evening.

(2) After a long, continuously cold winter, to fix the spring close season for the whole State, for single waters, or parts of waters, for six weeks within the period from the beginning of April to the end of June.

§ 28. During the weekly and annual close seasons, allowable fixed (stationary) fishery appliances must be abolished or taken away.

§ 29. §§ 22 to 25 do not apply to crab fishery.

The capture of crabs is prohibited from November 1st to May 31st. If, during the regulation close times, crabs should be captured by fishermen, they must be put back into the water at once, if alive, with all care necessary to their safety.

§ 30. On the authority of the Senate, such parts of non-enclosed waters may be declared as close waters, as offer, according to expert opinion, very suitable places for the spawning of fish and the development of fry.

In close waters every kind of fishing is prohibited which is not ordered or allowed by the inspecting authorities for the protection of fish or for some other scientific or generally useful purpose.

Other Regulations for the Protection of Fish.

§ 31. Steeping hemp and flax in non-enclosed waters is prohibited.

Exceptions from this prohibition may be provisionally granted by the inspecting authorities.

§ 32. To protect fish from being harmed by turbines, the competent police authorities are empowered, in the case of the future erection of every turbine establishment, to cause the owners thereof to erect and maintain at their own cost such apparatus (wire netting, &c.) as may prevent the fish from being drawn into the turbines.

§ 33. Persons owning fishery rights are allowed to kill, catch, and keep otters, grebes, herons, and ospreys, without using firearms.

Fishery Supervision.

§ 34. The supervision authorities are the Police Committee of the Senate.

The observance of this law is to be supervised by the competent police authorities.

The competent authorities therefor are—

in the town of Bremen, the Police Board of Management;

in the harbour towns, the Magistracy;

in the territory of the Weser, the Lesum, the Wumme below the bridge between Borgfeld and Lilienthal, the Ochtum below the Ströhmer Schule and the Bareler Bäke, the Magistrate;

for other places, the Chief (Magistrate) of the Commune, in addition to the inspectors appointed by the State.

Inspecting officials charged with the immediate supervision of fisheries are vested with the authority, and have to perform the duties of police officials with regard to the discovery and prosecution of offences against the provisions of this law within their district of supervision.

These officials are at all times authorised to inspect tackle in use for fishing purposes, and tackle and fish in the possession of fishermen. They may also inspect at all times fish tanks laid out in non-enclosed waters.

The right of appointing special fishery inspectors is reserved.

§ 35. If any person is caught while committing an offence, or immediately afterwards, the articles causing his arrest which he has with him are to be seized. In such cases, fishing tackle and boats used by him for the offence may be confiscated.

Penal Provisions.

§ 36. Contraventions of the provisions of this law will—so far as they are not subject to the provisions of the penal code—be punished by the infliction of a fine not exceeding 150 marks, or imprisonment.

A similar penalty will be inflicted on any person who may unlawfully issue and dispose of a fishery permit or licence, whether fishery rights are therein stated to be for waters subject to the authority of the State of Bremen or any other State.

In the event of the use of unlawful fishing tackle, it may be confiscated in addition to the fine or penalty; in the case of an offence against the provisions of § 20, in addition to the penalty, all fish or crabs offered for sale, sold, or sent away contrary to the prohibition, are to be confiscated, whether they belong to the guilty party or not.

§ 37. Any person making use of the services of his dependents, servants, apprentices, or workmen, for the commission of an offence liable to a penalty under the provisions of this law, will incur the fines inflicted on them in addition to his own, if they should not be solvent.

§ 38. This law is to come into force on the day of publication, and at the same time the Fishery Law of the 5th November 1882 is abrogated.

Given at Bremen, in the Assembly of the Senate, on the 18th, and published on the 27th May 1888.

Ordinance relating to the Registration and distinguishing Marks of Vessels engaged in Fishery in the North Sea beyond the Limits of Coast Waters. June 1, 1884.

Contains regulations for the execution of the International Treaty of May 6, 1882, relating to the police supervision of fishery in the North Sea beyond the limits of coast waters.

Ordinance relating to Amendment of the Fishery Law of 1888. *December* 7, 1893.

§ 19 (2) may be amended by the Senate.

Ordinances—(1) *specifying Authorities for the Issue of Licences for North Sea Fishermen to sell Provisions; and* (2) *relating to Executive Regulations for the Suppression of the Spirit Trade. May* 31, 1894.

Ordinance of the Senate relating to the Minimum Size for the Capture of Eels. October 25, 1894.

The minimum size for the capture of eels [anguilla vulgaris] is reduced to 25 centimetres.

BREMEN. *Notification of the Police Committee of the Senate relating to Fishery Supervision in the Lower Weser.*

While repealing the notification of December 24, 1889, the following is hereby made known by order of the Senate according to the agreement concluded between the plenipotentiaries of Prussia, Oldenburg, and Bremen, on account of jointly appointing fishery inspectors for the Lower Weser :—

(1.) The supervision of the Weser from the limits of coast fishery near Vegesack to a straight line drawn from the Blexer tower to the end of the northern mole at the entrance of the old harbour of Bremerhaven, in addition to the lower parts of the Lesum and Ochtum, 300 metres along each, is to be performed by two fishery inspectors, of whom one lives in Brake, and is under the orders of the local chief officer, and the other lives in the district of Blumenthal, and is under the orders of the local district president. The fishery inspector at Brake is charged with the supervision of fishery in the Weser from Bremerhaven upwards as far as the neighbourhood of Elsfleth, and the fishery inspector in the Blumenthal district is charged with the supervision of fishery in the Weser from there to the limits of the coast fishery near Vegesack and in the above-mentioned parts of the Lesum and Ochtum.

(2.) Fishery inspectors are the deputies of the Public Prosecutor with regard to fishery offences, and as such they have the legal right of seizure, search, and provisional arrest.

(3.) Fishery inspectors are empowered and obliged to examine fishing tackle and nets even on land, to cause licences to be produced, and to see that no immature fish are caught, exposed for sale, sold, or sent away.

(4.) The fishery inspector in the Blumenthal district must fly on his service vessel by day a flag designed according to the provisions approved on January 24th, 1894, by H.M. the King of Prussia with regard to the flying of flags on Prussian Government vessels, and by night he must carry a red signal lantern. The fishery inspector in Brake is to fly by day the service flag of the Imperial Navy with the Oldenburg arms in the lower left-hand quarter, and with the red letters F and A on either side of the anchor in the middle; and he also must carry a red signal lantern by night.

Any person engaged in fishery operations must when hailed by a fishery official, or signalled to by him, by means of repeated hoisting, lowering, and re-hoisting of flags or lanterns, must at once shorten sail and lay to, or stop rowing; he must, moreover, not move from his place until he has been given permission to do so by the fishery inspector.

During the execution of his duty out of doors fishery inspectors must wear a blue cloth cap, with a cockade in the national colours.

(5.) Any person committing an offence against the provisions of (4) will be punished by the infliction of a fine not exceeding 150 marks.

THE POLICE COMMITTEE OF THE SENATE.

Bremen, September 20, 1898.

OLDENBURG.

Duchy of Oldenburg.

Fishery Law for the Duchy of Oldenburg, March 17, 1879.

We, Nicholas Frederick Peter, by the Grace of God, Grand Duke of Oldenburg, &c., &c., &c., make known the following as a Law for the Duchy of Oldenburg, with the assent of the Diet :—

Article 1.—Scope of Application.

§ 1. The following fishery law is applicable to the coast and inland fisheries in all public waters of the Duchy.

Public waters within the meaning of the Law are :—

(1.) Those parts of the North Sea belonging to the Duchy and the open bays.

(2.) The public waters of the State, of communes, and of associations (Art. 1 § 3, Art. 2, Art. 26 § 3 of the Water Ordinance of November 20th, 1868, for the Duchy of Oldenburg; Art. 284 § 1 of the Damming Ordinance for the Duchy of Oldenburg of June 8th, 1855).

§ 2. Fishing within the meaning of the Law includes the capture of crabs, oysters, shell fish, and other useful aquatic animals, as long as they are not subject to the provisions of the Hunting Law.

Wherever in this Law the expression "fish" is used, the above-mentioned animals are included therewith.

§ 3. Coast fishery within the meaning of the Law includes those fisheries which are carried on in those parts of the North Sea belonging to the Duchy, in open bays and in the estuaries of the larger rivers.

Inland fishery within the meaning of the Law includes those fisheries which are carried on in other public waters, in rivers downwards to the point where coast fishery begins.

The limits of coast and inland fisheries will be settled by the administration.

Art. 2.—Inland Fishery.

§ 1. Inland fishery in public waters may only be carried on by specially appointed fishermen or by leasing.

Free donation of the fishery is not allowed.

§ 2. The period of the lease must not, as a rule, be less than 6 years; exceptions from this regulation may be allowed in special cases by the Minister of State and Ministry of the Interior.

§ 3. The division of connected fishing grounds belonging to one commune or association under separate leases requires the sanction of the Ministry of the Interior, which is also authorised to determine what quantity of allowable fishing tackle may not be exceeded in each district leased.

§ 4. If public waters border on the territories of two or more communes or associations, the communes or associations owning the fishery rights therefor may only use the fishery in these waters for their common benefit, and if they cannot agree as to the manner of use, the final decision thereupon rests with the Ministry of the Interior.

Article 3.—Licences in Inland Waters.

Article 4.—Marking of Tackle lying out for Fishing Purposes.

Fishing tackle spread out for fishing purposes in the absence of the fisherman must be provided with a distinguishing mark, by which the personality of the fisherman may be made known. Detailed regulations as to the nature of such distinguishing marks will be issued by the Ministry of the Interior.

Article 5.—Obstacles to the Passage of Fish.

§ 1. The passage of fish through waters must not be blocked for fishery purposes by means of fixed appliances (weirs, fences, traps for salmon and eels, fixed nets, block nets, &c.) to a greater extent than half the breadth of the waters, measured out from the bank at ordinary low water. Such appliances must not be placed sufficiently near to one another as to impede the passage of fish between them.

§ 2. Fixed (stationary) fishery devices already existing, and which are not in accordance with the provisions of § 1, must within one year at most from

the promulgation of this Law be altered by the owners, who will if necessary be proceeded against.

§ 3. Weirs, fences, and traps ("*selbstfänge*") in connection therewith for salmon and eels.

Article 6.—*Prohibition of Destructive means of Fishing.*

For fishing purposes the use of destructive or explosive materials is prohibited (poisoned bait or any means for stunning or destroying fish, explosive cartridges or other explosives, &c.).

Article 7.—*Fishery Police Regulations.*

After deliberation with experts and the official bodies concerned, the administration will prescribe—

(1) what fish may not be caught on account of their size or weight;
(2) at what periods of the day or year fishing may be prohibited either in certain parts of waters, or with regard to certain modes of capture or species of fish;
(3) what methods of fishing and what species of fishing tackle may not be used for fishing purposes;
(4) of what nature the fishing tackle allowed must be, and with what restrictions it may be used for fishing;
(5) what dispositions are to be observed by fishermen for the avoidance of mutual hindrance in the interests of general trade and navigation, and, finally, with regard to inspecting authorities and the facilitation of the work of supervision;
(6) at what periods of the year and in what places the gathering of sea-plants is to be prohibited.

Offences will be punished by the infliction of a fine not exceeding 150 marks or imprisonment, and the confiscation of the illegal tackle used for fishing.

Article 8.—*Close Seasons and Close Waters.*

§ 1. Fishing in all public waters is subject to close seasons to be fixed in detail.

The following may be declared to be close waters:—

(1.) Such parts of public waters as, according to expert opinion, seem to offer very favourable places for the spawning of fish and the development of fry (spawning close grounds).
(2.) Such parts of public waters as command the entrance of fish into inland waters from the sea (close fishing grounds).

The Ministry of the Interior will determine close fishing grounds, in conjunction with the Ministry of Finance, as far as the public waters of the State are concerned, and for public waters belonging to communes and associations, after the professional opinion of their representatives has been taken.

Detailed regulations as to close seasons and close waters will be made by the administration.

§ 2. During close seasons, fixed (stationary) fishery appliances allowable according to this Law (Article 5) must be either abolished or removed.

The owners thereof will be proceeded against if necessary.

Article 9.—*Regulations for the Protection of Fish.*

§ 1. If fish, of which the capture at the time, or on account of their size or weight, is prohibited, are taken by fishermen, they must be at once put back into the water with all care necessary to their safety.

§ 2. If the capture of fish under a certain size or weight is prohibited, such fish under the given size and weight must neither be offered for sale, nor sold, nor sent away, without distinction as to whether they were caught in public or private waters.

This regulation does not apply to fry in fish-breeding establishments; the owners of private waters are also allowed to sell and send away spawn and fry for breeding purposes.

§ 3. In the interests of scientific investigation or of researches for the common good, and for purposes of artificial fish-breeding, the Ministry of the Interior may allow exceptions from the provisions of §§ 1 and 2, par. (1) of this article, as far as necessary and under suitable controlling regulations.

Article 10.—Channels for the Passage of Fish.

§ 1. Any person who, after the promulgation of this Law, may erect in public waters, weirs, sluices, dams, or other marine works in places where the passage of migratory fish was previously unimpeded, is obliged to make and maintain at his own cost channels for the passage of fish.

Exceptions from this regulation may be provisionally allowed if—

(1.) The passage of fish in the waters concerned is already obstructed by existing erections or for other reasons; or

(2.) The new erections are only for a temporary purpose, and the speedy removal thereof is assured.

The nature and use of the erections required and the granting of exceptions are to be determined, so far as necessary, by the Ministry of the Interior, after expert examination.

Care must be taken not to exceed the limit of what is necessary against the will of those persons owning the damming rights.

§ 2. Owners of weirs, sluices, dams, and other marine works in public waters, by means of which the passage of migratory fish is entirely blocked or considerably interfered with, are obliged to allow the making of channels for the passage of fish if—

(1.) The construction thereof is intended to be carried out by the State in the public interest; or

(2.) Communes or associations intend to carry out the construction thereof and the building plan proposed by them is sanctioned by the Ministry of the Interior after previously hearing the persons owning the damming rights.

The necessary space and ground for the channels for the passage of fish must be ceded by the owners, who will be fully compensated therefor; also if useful damming rights are prejudiced by such a construction, full compensation will be afforded, but on the other hand no compensation will be afforded for the depreciation of the value of a fishery caused by the building of a channel for the passage of fish.

In cases coming under (1) of this section, compensation must be afforded by the State, in cases coming under (2) by the communes or associations.

The provisions of § 41 of the Water Ordinance of the 20th November 1868 for the Duchy of Oldenburg are applicable in cases of dispossession proceedings and ascertainment of compensation to be awarded.

§ 3. The Ministry of the Interior will determine, after hearing experts, at what times of the year channels for the passage of fish are to be kept closed.

§ 4. In channels constructed for the passage of fish, every kind of fishing is prohibited, especially the suspension or setting up of fish-baskets, nets, weels, and other fishery appliances. During the period in which the channel is open every kind of fishing must be prohibited above and below the channel to a distance to be determined by the Ministry of the Interior according to local conditions.

§ 5. The provisions of this Article do not apply to those marine works (drainage, sluices, &c.), which are already or may be erected for the protection of lowlands against floods.

Article 11.—*Pollution of Public Waters.*

§ 1. The pollution of public waters by introducing destructive or harmful matter into it in such quantities as to destroy or to do serious injury to fish and fry is prohibited.

The Ministry of the Interior may allow exceptions from this prohibition, under certain restrictions, especially in the case of paramount necessity for the interests of agriculture or industry. As far as local conditions allow, the owner of the establishment shall be charged with the execution of such arrangements as may be conducive to restricting injury to fish as far as possible.

Should it occur that discharges from agricultural or industrial establishments, which were already in existence before the promulgation of this Law, or are in existence in conformity with the preceding clause, should destroy or be seriously harmful to the stock of fish in the waters, then, upon application by the owner of the waters, the owner of such establishment may be summoned by the Ministry of the Interior to take such preventive measures as may, without being unduly vexatious to his business, cause the injury to cease or to be largely diminished.

§ 2. The steeping of hemp and flax in public waters is prohibited. The Ministry of the Interior may allow exceptions from this prohibition, under certain restrictions.

Article 12.—*Supervision of Fisheries.*

The State, and with the sanction of the Ministry of the Interior, communes and associations, may appoint special fishery inspectors for the immediate supervision of fisheries.

Article 13.—*Penal Provisions.*

§ 1. A fine not exceeding 30 marks or imprisonment for a period not exceeding one week will be inflicted on—

Any person who, contrary to the provisions of Article 3, carries on fishery operations without a licence, or who, contrary to the provisions of Article 4, lays out fishing tackle without the distinguishing marks provided for.

§ 2. A fine not exceeding 150 marks or imprisonment will be inflicted on—

(1.) Any person who, as lessee of a fishery belonging to a commune or association, exceeds the quantity of fishing tackle allowed by the Ministry of the Interior (Art. 2, § 3).

(2.) Any person who may make use of the methods prohibited in Article 6 for fishing purposes.

(3.) Any person who, contrary to the provisions of Article 8, § 2, does not remove or abolish fixed (stationary) fishery appliances at the proper time, or makes them bigger than allowed by Article 5, § 1, or transgresses the provisions of Article 5, § 3.

(4.) Any person who carries on any kind of fishery operations whatever in channels constructed for the free passage of fish, or in those parts of the water above and below such channels in which fishery is prohibited (Article 10, § 4).

(5.) Any person who opens or closes fish channels as described in Article 10, § 3, at times other than those fixed by the administration.

(6.) Any person who, contrary to the provisions of Article 11, § 1, introduces harmful matter, dangerous to the fishery, into public waters, or who steeps flax and hemp in public waters (Article 11, § 2).

§ 3. A fine not exceeding 90 marks or imprisonment for a period not exceeding four weeks will be inflicted on—

All contraventions of the provisions of Article 9, § 1 and § 2, par. 1, of this Law.

In addition to the penalty inflicted, all fish offered for sale, sold, or sent away contrary to prohibition will be confiscated, without distinction as to whether they belong to the guilty party or not.

§ 4. Any person making use of his dependents, servants, apprentices, or workmen, as assistants in committing an offence liable to penalty under the provisions of this Law, renders himself liable to pay the fines inflicted on them, should they not be solvent, in addition to the penalty incurred by himself.

Article 14.—*Final Regulations.*

§ 1. All previously issued regulations, not in conformity with this Law, are abrogated.

§ 2. The Ministry of State is charged with the execution of this Law, and with the issue of the general police regulations to be made.

Given under our hand and seal, &c.

(L S.) PETER.

Oldenburg, 17th March 1879.

Notification of the Secretary of State relating to the Execution of the Fishery Law of 17th March 1879 *for the Duchy of Oldenburg. Oldenburg,* 1879, *November* 12.

On the basis of Art. 14, § 2 of the Fishery Law of 17th March 1879 for the Duchy of Oldenburg, and of Article 9 of the Law of 5th December 1868, relating to the functions of the State Ministry, the following regulations are issued with supreme sanction:—

§ 1. The limits between coast and inland fishery are as follows:—

(*a.*) In the Weser and Ochtum, a straight line drawn from the end of the dividing construction between the Weser and Ochtum, point H of the Oldenburg-Bremen boundary (Art. II., § 2 of the Delimitation Treaty with Bremen of 5th April 1873, Code of Laws XXII., pp. 715–716) towards the eastern corner of the middle building of the three buildings at Vollerschen to Lemwerder.

(*b.*) In the Hunte by a straight line drawn through the two openings in the Hunte Bridge.

The limits between coast and inland fisheries shall be made known by special distinguishing marks.

§ 2. [Licences necessary for carrying on inland fishery.]

§ 3. Tackle lying out for fishing purposes in the absence of the fisherman must be provided with a board firmly fastened to such tackle, on which the fisherman's name or the first letters thereof, and the number of the licence issued to him, are plainly carved or branded.

§ 4. The following regulations are applicable to the prosecution of coast and inland fishery:—

(1.) The capture of spawn and fry is prohibited; should such be taken by fishermen, they must be at once put back into the water with all care necessary to their safety.

OLDENBURG.

(2.) Fish of the species enumerated below must not be caught if they do not measure at least the following lengths from the top of the head to the end of the tail :—

Sturgeon [Acipenser sturio]	100 c.m.
Salmon [Salmo salar]	50 ,,
"*Grosse Maräne*" [Coregonus maraena]	40 ,,
Perch-pike [Lucioperca sandra]	35 ,,
"*Rapfen*" [Aspius vorax. rect. rapax]	
Eel [Anguilla vulgaris]	
Barbel [Barbus fluviatilis]	28 ,,
Bream [Abramis brama]	
Pike [Esox lucius]	
Salmon trout [Salmo trutta]	
Alose shad [Clupea alosa]	
Shad (Twait) [Clupea finta]	
Carp [Cyprinus carpio]	
Tench [Tinca vulgaris]	20 ,,
Chub [Idus melanotus]	
"*Döbel*," a kind of dace [Squalius cephalus]	
Trout [Salmo fario]	
"*Schnepel*" [Coregonus oxyrhynchus]	
Grayling [Thymallus vulgaris]	
Cony-fish [Lota vulgaris]	
"*Zärthe*," a kind of bream [Abramis vimba]	18 ,,
Bleak [Abramis blicca]	
Dace [Squalius leuciscus]	
"*Karausche*" [Carassius vulgaris]	15 ,,
"*Kleine Maräne*" [Coregonus albula]	
Rudd [Scardinius erythrophthalmus]	
Perch [Perca fluviatilis]	
Roach [Leuciscus rutilus]	
Crabs, common river crab [Astacus fluviatilis]	10 ,,

(3.) The following are also prohibited:—

(*a.*) Driving fish together at night by means of lanterns, torches, &c.

(*b.*) Damming up or draining off waters for fishery purposes without written permission of the Minister of the Interior.

(*c.*) The use of any means for wounding fish, such as traps with springs, tridents, eel-hoes, spears, lances, stakes, firearms, &c. The use of spears and lances (but not of eel-hoes) may be sanctioned exceptionally, by the competent office, for the purpose of catching eels, subject where necessary to the erection of a special construction for this method of fishing. Angling is allowed.

(4.) After December 31st, 1880, with the reservation of the exceptions given below, no fishing tackle of any kind (nets, &c.) may be used for fishing purposes of which the meshes, when wet, do not measure at least 2·5 centimetres in width in every part, measured from knot to knot.

This regulation applies to all parts or sections of fishing tackle.

The Ministry of the Interior is empowered to allow exceptions from this regulation in cases of necessity for certain kinds of fishing tackle.

For the capture of eels fishing tackle with meshes 1·5 centimetres wide is allowable, and for the capture of herrings, sprats, smelts, lampreys, and shrimps fishing tackle with meshes of any width is allowed.

(5.) If several fishermen are admitted as lessees. The lessor shall frame special regulations as to the setting up and use of fishing tackle.

§ 5.—(1.) Fishing in all public waters is subject to the restriction of a weekly close time, which extends from sundown on Saturday to sundown on Sunday. During this period all fishing is prohibited, with the following exceptions:—

(*a.*) Rod fishing is allowed, but not fishing with fixed lines.

(*b.*) In coast fishery waters fishermen who carry on the so-called "still fishery" (*stille fischerei*) without fixed appliances, with nets, weels, baskets, and lines are allowed to leave their tackle in position during the weekly close season, to see after it, to take it up, and set it again.

(*c.*) The Ministry of the Interior is authorised to allow the same exceptions for inland fishery waters, if by so doing no injurious impediment to to the passage of migratory fish is to be feared.

(*d.*) The Ministry of the Interior may also temporarily allow, in cases of great necessity, the capture of certain species of fish during the weekly close season.

(2.) Inland fisheries are, moreover, subject to an annual close season from April 10th to June 9th inclusive.

With the reservation of the exceptions given below, every kind of fishing during the annual close season is prohibited in the waters subject thereto.

The Ministry of the Interior is empowered to allow fishing to be carried on in waters subject to the annual close season, on three days in each week, if considerations for the maintenance of the stock of fish are not opposed thereto.

In every case where these exceptional commissions are granted, however, the use of such fishery appliances as are, although in themselves allowable, apt to destroy fry, is not to be included in the permit.

Detailed regulations on this point will be issued if necessary in the form of a police ordinance.

The prosecution of fishery operations by means of fixed (stationary) appliances (weirs, fences, traps for salmon and eels, fixed net-work, block-nets, &c.) or by means of nets or weels floating or fastened or attached to the bed or banks of a river, may on no account be allowed during the annual close season.

For fishing operations solely for the capture of salmon, salmon-trout, shad, alose, and smelts, the Ministry of the Interior may extend the period of three days in each of the weeks in the annual close season provided for in paragraph 3, to at most five days in each week.

(3.) The provisions of (1) and (2) given above do not apply to crab fishing.

The capture of crabs in public waters is prohibited from November 1st to May 31st.

(4.) In those parts of public waters specified as close spawning grounds, every kind of fishing is prohibited during the whole year.

The following are provisionally specified as a close spawning ground:—That part of the Hunte below Oldenburg from Donnerschweer-Siel to Wolfssieler-Aussentief, and this close ground will be marked out by a board at the beginning and at the end.

§ 6. Any person transgressing the prohibitions contained in § 4 (1), (3), and (4) and in § 5, will be punished by the infliction of a fine not exceeding 150 marks or imprisonment. At the same time the illegal fishing tackle used may be confiscated.

§ 7. The foregoing regulations are to come into force on January 1st, 1880.

Oldenburg, 1879, November 12.

OLDENBURG. *Notification of the Ministry of the Interior relating to the Formation of a Close Spawning Ground and to the Supervision of Fishery in the Lower Weser, June* 17, 1883.

(Code of Laws for the Duchy of Oldenburg, Vol. XXVI., No. 65.)

Notification of the Ministry of the Interior relating to the Fishery Supervision Service on the Lower Weser. November 23, 1889.

(Code of Laws for the Duchy of Oldenburg, Vol. XXIX., No. 21.)

Notification of the Ministry of the Interior relating to the Fishery Supervision Service on the Lower Weser. March 30, 1892.

(Code of Laws for the Duchy of Oldenburg Vol. XXIX., No. 82.)

Notification of the Ministry of the Interior relating to the Registration and Marking of Vessels engaged in Fishery in the North Sea beyond the Limits of Coast Waters. August 28, 1884.

(Code of Laws for the Duchy of Oldenburg, Vol. XXVII., No. 12.)

A supplement to the International Treaty concerning the police regulations of fishery in the North Sea beyond the limits of coast waters, of May 6, 1882.

Notification of the Ministry of the Interior relating to the Execution of the Fishery Law for the Duchy of Oldenburg. Oldenburg, March 11, 1892.

(Code of Laws for the Duchy of Oldenburg, 1892, Vol. XXIX., No. 81.)

By supreme sanction the provisions of § 4 (4), clause 4, of the notification of the Ministry of the Interior of November 12th, 1879, relating to the execution of the Fishery Law of 17th March 1879 for the Duchy of Oldenburg, is amended as regards the capture of shrimps. For the capture of the other fish mentioned therein fishing tackle with meshes of any width is allowable, but from the 1st January 1894, baskets for the capture of shrimps may only be used with meshes not less than 6 millimetres wide.

Notification of the Ministry of the Interior relating to the Execution of the Fishery Law for the Duchy of Oldenburg. October 24, 1894.

(Code of Laws for the Duchy of Oldenburg, Vol. XXX., No. 40.)

Eels may be caught having a minimum length of 25 centimetres.

No. 6.

THE NETHERLANDS.

FROM SIR HENRY HOWARD TO THE MARQUESS OF SALISBURY.

MY LORD, The Hague, March 22nd, 1900.

WITH reference to your Lordship's Despatch, No. 1 of this series, of the 5th of January last, I have the honour to transmit herewith copies of certain various Acts and Decrees in regard to the protection of immature and under-sized fish in this country, which have been kindly furnished to me by the Netherlands Government.

I likewise transmit translations of the whole or of parts of the above-named Acts and Decrees which have reference to the subject in question, viz. :—

1. Articles 7, 9, 16, and 23 of the Act of June 21st, 1881, which regulate the size of certain fish (herrings, flounders, and smelts) prohibited to be landed, sold, purchased, transported, or consumed.
2. Articles 1, 8, and 9 of the Decree of May 15th, 1884, providing for the protection of the culture and regulating the fishery of molluscs and crustaceans.
3. The Decree of August 11th, 1892, enacting fresh and general regulations for all kinds of fisheries.

Article 14 of this Decree deals specially with the questions of the fishing implements allowed and prohibited, the size or weight of all fish allowed and prohibited to be taken, &c., &c., and the close times in regard to fish and shellfish.

4. Article 20 of the Act of April 15th, 1886, which specifies the penalties for any contravention of the provisions of the above-named legislation, such penalties being limited to imprisonment for a period not exceeding fourteen days, or a fine not exceeding one hundred florins, or about 8*l.* 6*s.* 8*d.*

I also enclose a copy and translation of a notice issued last month by the Governor of South Holland as to the close times in regard to waterfowl, quails, and to fishing in the inner waters of the province, which may be of some interest to the Board of Trade. It will be seen that even within the period of the close time for fishing, namely, from March 15th to March 31st, fishing with the gebbe (a small mesh net) for catching small fish as bait for floats is allowed.

I have, &c.
(Signed) HENRY HOWARD.

Enclosure in No. 6.

(Translation.)

(No. 76.) NETHERLANDS LAW of the 21st June 1881, containing PROVISIONS relating to the SEA FISHERY.

Article 7.

The landing, selling, buying, transport, having in stock, or consuming of herrings, flounders, or smelts are prohibited whenever these fish are of smaller size than :—

Herrings	-	10 centimetres.
Flounders	-	8 „
Smelts	-	7 „

Article 9.

Instructions for protecting the culture and for regulating the fishery of shell and scale fish, at sea, along the shore, in the Zuiderzee, the Wadden, the Lanwerzee, the Dollart, the Schelde and the Zealand Channels, as also for regulating the fishery in general in the Schelde and in the Zealand Channels, may be enacted by Us by general measures of internal administration.

Article 16.

The violation of the provisions in Art. 7 shall be punished with a fine not exceeding Fl. 75. or with imprisonment not exceeding seven days.

The violation shall be considered to have been committed whenever more than a twentieth part of the contents of a take of fish is of smaller size than the minima fixed in the Article aforesaid.

Article 23.

On the violation of the provisions in Art. 7, that portion of the fish which is of smaller size than the minima fixed in that Article shall be seized and thrown into the sea, or rendered unserviceable, after the burgomaster has certified what portion of the contents of the take is of smaller size than those minima.

A procès-verbal shall be drawn up of the result of that examination.

(Translation.)

(No. 107.) DECREE of the 15th May 1884, containing the ENACTMENT of INSTRUCTIONS for protecting the CULTURE and for regulating the FISHERY of SHELL-FISH in the ZUIDERZEE, DE WADDEN, the LANWERZEE, and the DOLLART.

Article 1.

To promote the culture of oysters, mussels, and other shell-fish in the Zuiderzee, the Wadden, the Lanwerzee, and the Dollart, parts of those waters may be closed against public fishing, and made over temporarily to particular persons exclusively for the culture and fishery of shell-fish.

The fishing with bow-nets and other standing nets in the places where that is carried on at the time of the announcement mentioned in Article 2 may be excepted from the fisheries for which the fishing grounds aforesaid are declared closed.

Article 8.

The fishing for oysters in the Zuiderzee, the Wadden, the Lanwerzee, and the Dollart, except in the fishing grounds that are farmed out, is prohibited from 1st April to 1st October.

Article 9.

During the time mentioned in the preceding article other persons than the farmers or their representatives must not have oyster or mussel dredges on board their boats.

That prohibition is not applicable to those persons who are provided with a licence in writing authorising them to dredge mussels in the places therein mentioned, whenever they are either in those places, or on their way to or from those places.

(Translation.)

(No. 198.) DECREE of the 11th August 1892, containing the ENACTMENT of fresh REGULATIONS of the FISHERY in the SCHELDE and the ZEALAND CHANNELS.

In the name of Her Majesty Wilhelmina, by the Grace of God, Queen of the Netherlands, Princess of Orange-Nassau, &c. &c. &c.

We, Emma, Regent of the Kingdom,—

On the proposal of our Ministers of Finance, of "Waterstaat" Trade and Industry, and for Foreign Affairs, of 31st January 1890, No. 55, Domains; of 17th February 1890, No. 155, Trade and Industry; and of 22nd May 1890, 2nd section, No. 4,905;

Having regard to Article 9 of the law of the 21st June 1881 (Staatsblad, No 76), containing provisions relating to the sea fisheries;

Having regard to the regulations relating to the fishery, of 20th May 1843, for carrying out Article 9 of the Treaty between the Netherlands and Belgium, of 19th April 1839, belonging to the Royal Decree of 9th September 1843 (Staatsblad, No. 45), and amended by the declaration of 27th February 1890, published by Royal Decree of 1st March 1890 (Staatsblad, No. 29);

Having consulted the Council of State (advice of 8th July 1890, No 6);

Having regard to the further report of the Ministers of Finance, of "Waterstaat" Trade and Industry, and for Foreign Affairs, of 18th July July 1892, No. 21, Domains, of 1st August 1892, La. B., section Trade and Industry, of 8th August 1892, No. 8,536, 2nd section;

Have resolved and decreed:

Article 1.

The regulations belonging to the Royal Decree of the 17th July 1875 (Staatsblad, No. 134), as amended by Royal Decree of 18th July 1882 (Staatsblad, No. 114), shall be repealed and replaced by the regulations hereunto annexed for the fishery in the Schelde and the Zealand Channels, retaining the provision in Article 22 of the regulations belonging hereto.

Article 2.

Violation of those regulations shall be punished according to Article 20 of the Law of the 15th April 1886 (Staatsblad, No. 64).

Article 3.

This Decree shall come into operation on the 1st September 1892.

The Ministers of Finance, of "Waterstaat" Trade and Industry, and for Foreign Affairs are charged with the carrying out of this Decree, which shall be inserted simultaneously in the Staatsblad and in the Staatscourant, and a copy of it shall be sent to the Council of State.

Soesldijh, the 11th August 1892.

(Signed) EMMA.

(Countersigned) PIERSON,
Minsister of Finance.
C. LOLY,
Minister of "Waterstaat" Trade and Industry.
VAN TIENHOVEN,
Minister for Foreign Affairs.

Published on the 27th August 1892.

(Signed) SMIDT,
Minister of Justice.

NETHERLANDS. REGULATIONS for the FISHERY in the SCHELDT and the ZEALAND CHANNELS, violation of which shall shall be punished according to Article 20 of the Law of 15th April 1886 (Staatsblad, No. 64).

Article 1.

Every person fishing in the Scheldt and the Zealand Channels must be provided with a licence issued by the authorities, to be exhibited on the first demand to the officials charged with the inspection mentioned in Article 18.

No licence is required for angling in those waters.

Article 2.

There are two sorts of licences—

(*a.*) Great licence, valid for one year;

(*b.*) Small licences, valid for not more than 12 and not less than three months.

A great licence gives the holder or representative, whose name must be thereon, the right to all sorts of fishing, and, if carried on with a vessel, with the help of his crew on board, or of the men accompanying him who are in his service, except that for the gathering of oysters, mussels, or winkles in places not given according to Article 10 for exclusive use, a great licence is required for every person separately, either as holder or representative, or a small license, valid for 12 months.

A small licence gives only the qualification to fish without a vessel or permanent erections; it allows no representative.

The licences begin on the first day of the first month of the period in which the applicants wish to use them.

Fl. 5 per annum shall be paid for a great licence, and 25c. per quarter for a small licence.

Article 3.

Licences will be issued only—

(*a*) To those persons who, according to the law, are inhabitants of the Kingdom of the Netherlands;

(*b*) To inhabitants of the Kingdom of Belgium, but only for the waters mentioned in Article 1 of the regulations for carrying out Article 9 of the Treaty between the Netherlands and Belgium of 19th April 1839, relating to the exercise of the right of fishing and of the fish trade, belonging to the Royal Decree of 9th September 1843 (Staatsblad, No. 45).

They shall be refused to:

1. Persons under 16 years of age, so far as concerns great licences.
2. Persons who have been sentenced to imprisonment of three years or more, or for stealing, concealing stolen fish or fishing tackle, or embezzling the same, for three years after they have undergone the punishment, after which date the authorities are competent again to give them a licence.
3. Persons who still are indebted to the State for the farming or retribution relating to the fishery.

To those persons who have been sentenced for violation of these regulations, a licence may be refused for one year afterwards, and also for three years after the above date, to those who have been sentenced for poaching.

A licence may also be refused for one year to those who carry on fishing with persons who have been sentenced for stealing or poaching, within a year after they have undergone their punishment.

Licences already issued to persons to whom, according to the above provisions, a licence must not be given, *must* be withdrawn, and those issued to persons to whom a licence may be refused, *may* be withdrawn by the authorities.

A small licence can always be withdrawn, and may be refused without assigning reasons.

Article 4.

Applications for licences shall be sent to the authorities, to one of the members, to the secretary, treasurer, or to persons appointed by the authorities.

Inhabitants of Belgium can also send their applications to the agent at Bath, mentioned in Article 4 of the regulations aforesaid under letter (*b*) of the preceding Article.

Applications for great licences contain:

(*a*) Surname, Christian name, age, and address of the applicant;

(*b*) Surname, Christian name, age, and address of a representative if desired;

(*c*) If the applicant wishes to carry out the fishery with a boat, the distinguishing letter and number mentioned in Article 9 of these regulations, or, in case that the boat is intended for that part of the Scheldt and Zealand Channels included in Article 1 of the regulations for carrying out Article 9 of the Treaty with Belgium of 19th April 1839, the name, the distinguishing letter, and the number mentioned in Articles 6 to 11 inclusive of the International Treaty for Regulating the Fishery in the North Sea, concluded at the Hague on the 2nd May 1882;

(*d*) Mention of the water or of the waters and of the period for which it is asked.

Applications for small licences contain:—

(*a*) Surname, christian name, and address of the applicant.

(*b*) The time for which the licence is required.

(*c*) Mention of the water or the waters and the period for which it is asked.

Article 5.

In case of loss of the licence the authorities are empowered to issue a copy of it to the person interested, which copy is of the same value as the original.

It bears at its head the words "Copy, to replace the original."

Article 6.

At the request of the heirs of the licence holder the authorities shall transfer the licence by name to one of the heirs or his guardian, provided that the person in whose name the licence shall be drawn up, possesses the qualifications required for obtaining such a licence.

Under the same reservation the same transfer shall be effected of property in a boat, to the name of the new owner, at his request.

Article 7.

The provisions of Article 3 hold good also in reference to the representative mentioned in Article 4. This latter must be an inhabitant of the same country as the holder of the licence.

Article 8.

On the issue of a great licence, if a representative or the distinguishing letter and numbers mentioned under letter (*c*) of Article 4, are not noted down, that notification may still be made by the authorities or one of the members.

The erasure of the name of the representative may be made in the same manner on substituting the name of another representative.

Article 9.

Every fishing boat must carry the distinguishing mark appointed for it by the Minister of "Waterstaat" Trade and Industry, and published in the "Staatscourant," and the number of the entry in the register assigned to that object by the burgomaster of the commune to which the boat belongs.

The distinguishing mark and the number of the boat must stand on opposite sides of the bow, 8 to 10 centimetres below the gunwale, or if either the board of the boat does not afford sufficient space under the gunwale, or the boat has no gunwale, then on the upper buoy.

The distinguishing letter and the number, painted in white oil paint upon a black ground, must for boats of 42 cubic metres and more, be 45 centimetres high and 4 centimetres wide,

NETHERLANDS.

The distinguishing letter and the number must also be painted in which oil paint on both sides of the main sail of the boat, immediately above the highest reef lining, and in such a manner that they are distinctly visible They must be black on white sails, and white on tanned sails.

The distinguishing letter and the number on the sail for boats of 42 cubic metres and more must be 60 centimetres high and 8 centimetres wide, and for boats of less than 42 cubic metres, 35 centimetres high and 5 centimetres wide.

If the fishing boat is a row-boat, the distinguishing letter and number must stand on the upper board, and be 15 centimetres high and 2·5 centimetres wide.

If the row-boat belongs to another fishing-boat, it must carry the distinguishing letter and the number of the latter, in the manner and of the size prescribed in the preceding paragraph.

The measurements given are minima. The letters and figures must be well formed and distinct. Their distance from each other must be not less than 10 centimetres.

The fishing boats must carry no other letters or numbers than those which they have to carry according to the preceding provisions.

It is prohibited to wash out the letter or the number, to alter it, to make it unrecognisable, to cover or conceal it in any way whatever, or to carry it mutilated, unrecognisable, or concealed.

The captain of the fishing boat, so far as he is not already bound by any legal enactment, is responsible for the observance of the preceding provisions.

Article 10.

Where the fishery belongs to the State, and it is not prohibited by the Treaty with Belgium quoted in Art. 3, places for the fishery may be given for exclusive use, by open competition, by allotment, or by farming for a fixed time, and the erection of permanent appliances for other fishery than that of anchovies, oysters, or mussels may be licensed, either by allotment or to the first applicant, or by selection.

Portions may be farmed out of hand, for which no offer or too low an offer was made at public competition, and portions may be given as concessions, which were not assigned by allotment on account of the want of bidders, or which are wanted by somebody whose portion is exhausted, or who has not yet got a portion, although he took part in the last allotment.

Article 11.

Where the fishery belongs to the State, the placing or possessing of permanent buildings is prohibited to everyone who has not obtained a right thereto in one of the ways mentioned in the preceding Article. On the termination of that right, either by the expiration of the term for which it was acquired, or by relinquishment, the buildings must be completely and entirely removed, and nothing must remain of them in the ground.

The authorities are empowered to remove, at the cost of the parties neglecting to perform the duty, the buildings which have been placed without their licence, where the fishery belongs to the State, or which, within eight days after the termination of the right, have not been removed or not completely removed.

Article 12.

In places given for exclusive use, all fishing is prohibited to other persons than those who have the right to it, provided that those places are marked off by buoys or beacons clearly distinguishable by daylight.

Article 13.

All other persons besides those who have the right to it are prohibited—

1. To go within the wings of bow-nets and standing inclosures connected with them.
2. To render buildings for the fishery unsuitable for the take of fish.

Article 14.

It is prohibited—

1. To have other nets or other fishing tackle on board, or to make use of them, than the following:
   - *a.* For the flounder fishery: The inclosed space with bow-net, the meshes of which must be at least 8 centimetres wide, while the wood or cane must be placed at intervals of at least 1 centimetre; the screen-net and the praam-net, the meshes of which must also be 8 centimetres wide;
   - *b.* For scharre fishery: The drag-net, the large net, and the purse-net, the meshes of which must be at least 8 centimetres wide;
   - *c.* For the whiting fishery: The drag-net or the hand-net and the bow-net, the meshes of which must be at least 2 centimetres wide;
   - *d.* For the smelt fishery: The drag-net, the meshes of which must be at least 2 centimetres wide;
   - *e.* For the shrimp fishery: The shrimp-net and shrimp-trawl, the meshes of which in $\frac{1}{3}$ of the length of the net must be at least $2\frac{1}{2}$ centimetres wide and in the other $\frac{2}{3}$ at least $1\frac{1}{2}$ centimetres;
   - *f.* For the herring fishery: The herring inclosure or crib with bow-net, the woodwork of which must be placed at intervals of at least 1 centimetre, and the drag-net; the meshes of the bow-net and the drag-net must be at least $3\frac{1}{2}$ centimetres wide;
   - *g.* For the sprat fishery: The sprat purse-net, the meshes of which must be at least $1\frac{1}{2}$ centimetres wide;
   - *h.* For the anchovy fishery: The inclosure with bow-net, the meshes of which must be at least $1\frac{1}{2}$ centimetres wide, and the trawl-net, the meshes of which must be of at least the same width;
   - *i.* For the mackerel fishery: The trawl-net and the upright mackerel-net, the meshes of which must be at least 8 centimetres wide;
   - *k.* For the eel fishery: the bow-net and the square-net, the meshes of which must be at least $1\frac{1}{2}$ centimetres wide, and the eel basket;
   - *l.* For the ray fishery: The harpoon, the ray-dredge and the screen or upright ray-net, the meshes of which must be at least 30 centimetres wide;
   - *m.* For the oyster-fishery: The dredge-net, the meshes of which must be at least 8 centimetres wide, while through the iron nets, the links of which make the measurement, and the rings, they may have no greater interval than 2 centimetres; no twine, or any thing that would make the meshes smaller, may interwoven;
   - *n.* For the mussel fishery: The mussel-rake, the intervals of which must be at least 6 centimetres, and if the banks lie in deep water, and special license is given to that effect, the purse-net, the meshes of which must be at least 6 centimetres wide. On the mussel spawn banks open for public fishing the use of mussel-rakes with smaller intervals is allowed.

2. It is also prohibited to have fish on board below the following measurements or the following weights:

Flounders	-	18 centimetres.
Plaice -	-	16 centimetres.
Mackerel	-	$\frac{1}{2}$ kilogramme;
Oysters -	-	8 centimetres measured on the smaller side;
Mussels -	-	4 centimetres.

3. To have on board flounders and mackerel or to fish for flounders or mackerel between 15th November and 1st April.

   To have oysters on board or to dredge for oysters between the end of February and 1st October.

To employ the sardine-net and the drag-net in the anchovy fishery between 1st July and 1st April.

4. In the channels for inclosures or preserves at less than 1,000 metres distance to fish with screen or mackerel-nets and in the, channels to anchovy preserves at low tide to fish within that distance with drag-nets.
5. [It is prohibited] to throw overboard starfish when caught.

During the close time at a place to which the closing regulation is applicable, no permanent erections or nets or other fishing tackle to be in the water, that can serve for the closed fishery, and the permanent erections may be removed by the State, and the nets taken away.

Fish caught below the size and weight mentioned for every description, and fish caught in close time, must be immediately thrown back into the water.

By width of a mesh shall be understood the distance between the sides, including the knot between those sides, measured when wet. After the shrinking of the net also the meshes must be of the prescribed width.

With iron nets the measurement shall be taken from the middle of the rings at the end of two shackles, including the ring between.

By the size of a fish shall be understood the length of it, measured from the snout to the tip of the tail-fin.

Article 15.

Article 14, with the exception of the prohibition under 4, is not applicable to the fishery of shell-fish in the places given for exclusive use.

Article 16.

It is prohibited:

(*a*) In any place usually farmed for the dredging or culture of oysters to have another steamer on the ground or to come to anchor with another than that which is employed for the fishery by or in behalf of the farmer of that place;

(*b*) At such a place to have a steamer on the ground, or to come to anchor at less than 25 metres from the bounds of another's fishing place;

(*c*) To fish with a screw steamer in such a place in which the depth fore and aft is not marked distinctly in figures, or to set the screw in motion before at least one foot of water is underneath the part of the boat where it has the deepest draught;

(*d*) In such a place to fish with a dredge which weighs altogether more than 35 kilogrammes;

(*e*) In such a place to drop any refuse overboard, or to throw it or let it fall overboard.

Article 17.

The officials, charged with the inspection of the fishery are empowered to go on board the boats employed in the fishery, to search the boats, to seize the prohibited nets and fishing tackle, and the fish on board in violation of Article 14, as also all articles evidently taken from a fishing place given for exclusive use, and of which the captain cannot prove his ownership to the satisfaction of those officials.

The captains of the fishing boats are bound to turn round whenever summoned to do so by those officials. Hoisting a white flag to the maintop is considered to be such a summons.

If necessary the officials aforesaid shall take the fishing boat with which the offence was committed, to one of the Netherlands ports on the Schelde or Zealand Channels at their discretion, so as to carry out the seizure according to the instructions.

Article 18.

In addition to the officials of the police and the maréchaussée, the head inspector of the fisheries on the Scheldt and Zealand Channels, and the ordinary and extraordinary inspectors of those fisheries are charged with the inspection of the fishery.

Article 19.

The proper officers of the authorities mentioned in the preceding Article shall draw up a procès-verbal of every violation discovered by them, which shall be sent by the chairman of the authorities to the official of the Public Prosecutor whom it concerns.

Article 20.

In these regulations are understood : —

a. Under the name of "fish," all edible scale-fish.

b. Under the word "fishing," the dredging also of fish on ground left dry at ebb-tide, the distribution of oyster and mussel spawn, the letting down or having fishing nets in the water, and the taking up or drawing in of the same, dredges or other fishing tackle, and tiles or other collectors of oyster fry, and the employment of permanent appliances for catching fish.

c. Under permanent appliances :

1. Inclosures and preserves used for catching any sort of fish ;
2. appliances for the culture of shell-fish ;

And in general all nets and other appliances employed for catching any sort of fish, not dragged along in one way or other, with the exception of the screen-net for catching flounders and mackerel and the schar net,

d. Under the words "Scheldt and Zealand Channels" :

1. The waters running in the province of Zealand beyond the dykes and outside the harbour piers;
2. The parts of the Western Scheldt, the Eastern Scheldt, the Eendracht, and the Flaak, belonging to the province of North Brabant ;
3. The parts belonging to the province of South Holland of the Brouwershaven Gat, the Springersdiep, the Vliager, the Hals, the Bieningen or Grevelingen, and the Krammer, eastwards up to the elongated eastern boundary of the province of Zealand.

e. Under the name "authorities," the authorities of the fisheries on the Scheldt and Zealand Channels.

Article 21.

Up to 31st December 1900, Article 1, first paragraph of these regulations, is not applicable to the farmers of the fisheries and breeding grounds, and the catching of the shell-fish of the State in the South Holland part of the waters mentioned in the preceding Article under the letter *d*, No. 3, so far as they are farmed, and so far as concerns the exercise of the privileges of the farming now current as aforesaid, nor for the persons fishing in that water for those persons who have farmed it, or by their permission.

Article 22.

Temporary Provision.—The regulations of Article 9 concerning the distinguishing marks on the sail, as regards the fishing boats already on the water before the 1st September 1892, are not in force before the 1st September 1894, whenever the sail carries distinguishing marks satisfying the instructions of Article 10 of those regulations enacted by Royal Decree of 17th July 1875

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(Staatsblad, No. 134), or of the Article annexed to those regulations by Royal Decree of 18th July 1882 (Staatsblad, No. 114).

Belongs to Royal Decree of 11th August 1892 (Staatsblad, No. 198).

(Signed) PIERSON,
Minister of Finance.
(„) C. LOLY,
Minister of "Waterstaat" Trade and Industry.
(„) VAN TIENHOVEN,
Minister for Foreign Affairs.

(No. 64.) LAW of the 15th April 1886, containing PROVISIONS regulating the coming into Operation of the CRIMINAL CODE enacted by the Law of 3rd March 1881 (Staatsblad, No. 35), and the TRANSITION from the OLD to the NEW CRIMINAL LEGISLATION, as also to bring into accordance the EXISTING LAWS and the NEW CODE.

Article 20.

Where in the now existing laws the issuing of further instructions is left to general measures of internal administration, with provision of penalty against the violation of instructions issued in those general measures of internal administration, that violation shall be punished by detention not exceeding a fortnight, or by a fine not exceeding one hundred gulden.

(Translation.)

PROVINCIAL AUTHORITIES.

Preservation of Game, &c.

The Civil Governor of the Queen in the province of South Holland,

Having regard to the Decree of the Provincial States of 13th February 1900, No. 47;

With reference to Art. 11 of the Law of 13th June 1857 (Staatsblad, No. 87);

Gives notice to all persons concerned that by the aforesaid Decree it is enacted by the Provincial States:—

1. That the shooting of water-fowl mentioned under the letters *d*, *f*, and *h* in Article 15 of the Law of 13th June 1857 (Staatsblad, No. 87) shall be closed on Saturday, 7th April next.

2. That the employment of the large nets (steekgaren and vliegnet), mentioned under letter *c*, Article 15, of the aforesaid law, for the hanging netting between trees for snaring quails is allowed from 23rd April next till 2nd July following inclusive, but that the vliegnet or fly-net may on no account be used as a draw-net for snaring quails.

3. That fishery in the inner waters, by which are also understood rivers separated by sluices, shall be closed from 15th March next till 31st May following inclusive, with the exception—

a. of the fishing by means of bow-nets, eel-spears, eel-creels, floats, and by sniggling;

b. of the fishing with the gebbe (small mesh-net) for catching small fish as bait for floats.

4. That fishing with purse-nets, including anchor-nets and staalboomen, is prohibited from 1st April next till 31st May following inclusive.

5. That the owners of duck-breeding preserves this year must keep their ducks enclosed or pent up from 2nd July until the opening of the water-fowl shooting season.

And this notice shall be legibly printed, published, and posted up in the usual places, and also be inserted in the "Provincial Official Journal" and in the "Netherlands Official Gazette."

The Hague, 15th February 1900.

(Signed) FOCK,
The Civil Governor of the Queen aforesaid.

No. 7.

From Sir Henry Howard to the Marquess of Lansdowne.

My Lord, The Hague, November 14th, 1900.

I have the honour to transmit herewith copies and a translation of a Royal Decree of August 17th, 1900, enacting new regulations for the fisheries on the Scheldt and the Zealand waters.

I have, &c.
(Signed) HENRY HOWARD.

Enclosure in No. 7.

(Staatsblad, No. 149). Netherlands Royal Decree of the 17th August 1900, containing the enactment of new Regulations for Fishery on the Scheldt and the Zealand Waters.

We, Wilhelmina, by the Grace of God, Queen of the Netherlands, Princess of Orange-Nassau, &c., &c., &c.;

On the proposal of our Ministers of Finance, of "Waterstaat" Trade and Industry, and for Foreign Affairs, of 21st June 1899, No. 66, Domains, of 21st June 1899, La. E., section Trade and Industry, and of 21st June 1899, 2nd section, No. 7,116;

Having regard to the Law of 21st June 1881 (Staatsblad, No. 76), containing provisions relating to sea fisheries;

Having regard to the regulations concerning fishery of 20th May 1843, for carrying out Article 9 of the Treaty between the Netherlands and Belgium of 19th April 1839, and belonging to the Royal Decree of 9th September 1843 (Staatsblad, No. 45), and amended by the Declaration of 27th February 1890, published by Royal Decree of 1st March 1890 (Staatsblad, No. 29);

Having consulted the Council of State (Advice of 1st August 1899, No. 18);

Having regard to the further report of our Ministers of Finance, of "Waterstaat" Trade and Industry, and for Foreign Affairs, of 26th July 1900, No. 17, Domains, of 6th August 1900, No. 189, section Trade and Industry, and of the 13th following, No. 8,575, 2nd section;

Have resolved and decreed:

1. While withdrawing Article 3 of the Royal Decree of 17th July 1875 (Staatsblad, No. 134), to enact the regulations for the fishery on the Scheldt and the Zealand Waters, as hereunto annexed, violation of which shall be punished in accordance with Article 20 of the Law of 15th April 1886 (Staatsblad, No. 64).
2. That these regulations shall come into operation on 1st January 1901.

Our Ministers of Finance, of "Waterstaat" Trade and Industry, and for Foreign Affairs, are charged with the carrying out of this Decree, which shall be inserted in the Staatsblad, and a copy of it shall be sent to the Council of State.

Soestdijk, the 17th August 1900.

(Signed) WILHELMINA.

(Countersigned) Pierson,
Minister of Finance.
" C. Loly,
Minister of "Waterstaat" Trade and Industry.
" W. H. De Beaufort,
Minister for Foreign Affairs.

Published on the twenty-seventh September 1900.

(Signed) Cort V. D. Linden,
Minister of Justice

NETHERLANDS.

REGULATIONS for FISHERY on the SCHELDT and ZEELAND WATERS, Violation of which shall be punished in accordance with Article 20 of the Law of 15th April 1886 (Staatsblad, No. 64).

CHAPTER I.

PROVISIONS CONCERNING THE FISHERY IN GENERAL.

A.—LICENCES.

Article 1.

With the exception of those persons who fish with a rod held in the hand, with a line and hook attached, all persons fishing on the Scheldt or the Zealand waters must be provided with a licence supplied by the authorities, and exhibit it, on the first application, to the officials charged with the inspection of the observance of these regulations.

Article 2.

At a place where the State has no rights of proprietorship nor fishery rights, all persons fishing must also be provided with a permit in writing from the owner or person claiming rights, to be exhibited according to the preceding Article.

Article 3.

There are two sorts of licences:

The *great* licence, available for one year, costing 5fl.

The *small* licence, available at the outside for four succeeding quarters, costing 25c. per quarter.

The great licences begin on the day after the date of their issue, unless the applicant gives in the first day of a following month for the day of commencement.

The small licences begin on the day when they are issued.

Great licences beginning during one month terminate on the last day of the eleventh month next following.

Article 4.

A great licence gives the holder or his representative, who must be notified, the right to carry on all fishery in his vessel, with the help of his crew on board, and also with men in his service in attendance on him.

For dredging shell-fish, &c. at places not given for exclusive use by the State or other owner, a licence shall be required separately for every person.

A small licence gives power only to carry on fishery without a boat or permanent erection; it does not allow any substitute.

Article 5.

Licences shall be issued only:

a. To those persons who, according to the law, are inhabitants of the Kingdom of the Netherlands.

b. To inhabitants of the Kingdom of Belgium, but only for the waters mentioned in Article 1 of the regulations for carrying out Article 9 of the Treaty between the Netherlands and Belgium of 19th April 1839, relating to the exercise of the right of fishing and of the fish trade, belonging to the Royal Decree of 9th September 1843 (Staatsblad, No. 45).

Article 6.

To those persons who have been sentenced to three years' imprisonment or more, or who have been sentenced for theft, or receiving stolen goods, or for embezzlement of fish or fishing tackle, or for being accessory to or for attempting those offences, a great licence shall be refused for three years after they have undergone the punishment; on the expiration of that period, the authorities are empowered again to issue a licence to them.

Great licences shall be refused to persons under 16.

Article 7.

Licences may be refused to :

1. Persons who have been sentenced for violation of these regulations or of the preceding regulations, belonging to the Royal Decree of 11th August 1892 (Staatsblad, No. 198), for one year after the sentence was pronounced.
2. Persons who have been sentenced for fishing with the dredge, the drag-net, or any other tackle at a forbidden distance from the dykes, banks, piers, or other artificial works, within the year after a sentence was passed for such offence, for the same period as under 1.
3. Persons who carry on the fishery in association with or through the medium of persons who have been convicted for one of the offences mentioned in Article 6 within a year after they have undergone their punishment.
4. Persons whom the authorities over the exercise of the fishery consider it their duty to refuse in the interest of the fishery or of the rights of the State.

Article 8.

Licences already issued to persons to whom, according to the above provisions, no licence must be issued, and those licences issued to persons to whom a licence may be refused, may be withdrawn by the authorities.

Article 9.

Applications for licences shall be sent to the secretary, treasurer, to one of the authorities, and to persons appointed by the authorities.

Inhabitants of Belgium may also send their applications to the agent at Bath, mentioned in Article 4 of the regulation cited under letter *b* in Article 5.

Article 10.

Great licences shall contain :—

a. The surname, Christian name, and address of the person holding the license.

b. The surname, Christian name, and address of one substitute, if requested.

c. If the holder of the licence wishes to carry on the fishery with a vessel, the sort of vessel, and the letters and number mentioned in Article 15 of these regulations, or, in case the vessel is intended for that part of the Scheldt and the Zealand waters which is included in Article 1 of the regulations for carrying out Article 9 of the Treaty with Belgium of 19th April 1839, the surname, the letters, and the number mentioned in Articles 6 to 11 inclusive of the International Convention for Regulating the Fishery in the North Sea, concluded at the Hague on 2nd May 1882.

d. Beginning and ending of the year for which it is valid.

Small licences shall contain the surname, Christian name, and address of the holder of the licence, and the term for which the licence is valid.

Article 11.

In case of the loss of the licence unavoidably, the authorities are empowered to issue a duplicate to the person interested, which duplicate shall have the same value as the original licence.

It shall have as a heading the words, "Duplicate to replace the original."

Article 12.

At the request of the heirs of the person who held the licence the Chairman shall transcribe the licence to the name of one of the heirs, or of his guardian,

provided that the person in whose name the licence shall be made out possesses the qualifications necessary for obtaining an identical licence.

Under the same reservation a corresponding transcription shall be made in transferring the ownership of a vessel to the new owner.

Article 13.

The provisions of Article 5 to Article 9 inclusive hold good, also as regards the substitute mentioned in Article 10. This last must be an inhabitant of the same country as the holder of the licence.

Article 14.

If, on the issue of a great licence, a substitute or the letters and number mentioned under letter *c* of Article 10 are not given the entry can still be made by the secretary, treasurer, the chairman, or by one of the members of the authorities.

In the same manner the erasure of the name of the substitute may be effected, and the name of another substitute put in its place.

With reservation of the persons mentioned in the first paragraph of this Article, all persons are prohibited to alter, add, or erase anything in the licences, or to make use of a licence in which such things have been done.

B.—Of Numbers and Letters.

Article 15.

Every Netherlands fishing boat must carry the letters assigned to it by our Minister of "Waterstaat" Trade and Industry, and announced in the official "Gazette," and the number of its inscription in the register assigned thereto by the burgomaster of the commune to which the boat belongs.

The letters and the number must be placed on both sides of the bow of the boat 8 to 10 centimetres below the gunwale, or if the side of the boat does not afford sufficient space below the gunwale, or if the boat has no gunwale, on the upper buoy.

The letters and the number, painted in white oil paint on a black ground, must in vessels of 50 tons capacity and upwards be of the length of 45, and of the thickness of 6 centimetres, and in vessels of less than 50 tons capacity, the length of 25 and the thickness of 4 centimetres.

The same letters and numbers must also be placed, painted in oil paint, on both sides of the main sail of the vessel immediately above the highest reef lining, and in such a way that they are distinctly visible. On white sails and on sails which retain the original colour of the sail cloth they shall be painted in black paint, and on sails of colours other than the aforesaid in white paint.

For vessels employed also in the North Sea, the letters and numbers on the sails must be painted in the colour assigned for vessels in the North Sea by or in the name of the Minister of "Waterstaat" Trade and Industry.

The letters and the number on the sail for vessels of 50 tons and more must be 60 centimetres long and 8 centimetres thick. For vessels of less than 50 tons, 35 centimetres long and 5 centimetres thick.

Steamers employed in the fishery carry the letters and number on the bow, and instead of on the main sail, on an iron band, properly fastened to the funnel at two-thirds of the height of the funnel above the deck.

A space of 5 centimetres must be left open between the funnel and the band. The letters and numbers of steamers both on the bow and the funnel must be painted in white oil paint on a black ground of a length of at least 30 centimetres and a thickness of 4 centimetres.

If the fishing craft is a rowing boat the letters and number must be placed on the channel-wale, and have a length of 15 centimetres and a thickness of 2·5 centimetres.

If the rowing boat belongs to another fishing craft it must carry the letters and the number of that craft in the manner and of the measurement prescribed in the preceding paragraph.

The measurements above given, with the exception of the vessels employed also in the North Sea, are the minima. The letters and figures must be well shaped and distinct. Their distance from each other must be not less than 10 centimetres, and the distance between the letters and the number not less than 25 centimetres.

Every Belgian fishing boat for sailing on or fishing in the waters mentioned in Article 10 of the regulations for carrying out Article 9 of the Treaty between the Netherlands and Belgium of 9th April 1839, concerning the exercise of the right of fishery and of fish trade belonging to the Royal Decree of 9th September 1843 (Staatsblad, No. 45), must be provided, as is set down in every licence, with the marks which every vessel must carry according to Articles 6, 7, 8, and 9 of the Convention for Regulating the Police of the Fishery in the North Sea outside the territorial waters, concluded at the Hague on 6th May 1882 between the Netherlands, Belgium, &c., and amended, as regards Article 8, § 5, by the declaration signed at the Hague on 1st February 1889 (Staatsbladen, No. 40 of 1884 and No. 199 of 1889).

Article 16.

The fishing boats must carry no other letters or numbers than those which they have to carry according to the preceding provisions.

It is prohibited to remove, to change, to render indistinct or unrecognisable, the letters or the number, to tar over, to tan, or to besmear, to cover or to conceal, in any manner whatever, or to carry them when mutilated, indistinct, tarred, tanned, besmeared, unrecognisable, or concealed.

The captain of the fishing boat, so far as he is not bound already by some legal enactment, is responsible for obedience to the preceding provisions.

C.—Various Prohibitions.

Article 17.

In places assigned for exclusive use all fishery is prohibited to other persons than the one who possesses the right to it, and the holders of his written permission, provided that those places are marked off with buoys or beacons distinctly visible in the daytime.

This written permission must be exhibited on the first demand to the officials charged with the superintendence of the observance of these regulations.

Article 18.

It is prohibited to other persons than the one who possesses the right to it, and the holders of his written permission, to be exhibited on the first demand to the officials charged with the superintendence of the observance of these regulations:—

1. To be present within the weirs and enclosures connected with them, or to be in places assigned for exclusive use.
2. To render arrangements intended for fishery unfit for the capture of fish, or to damage them.

Article 19.

It is prohibited —

a. In any place usually assigned for exclusive use for the capture and breeding of shell-fish, unless from pressing necessity, to take the ground or come to anchor with another steamer than that which is used by or on account of the person who has the right to the fishery.

b. At such a place to take the ground or come to anchor with a steamer at less than 25 m. from the bounds of another person's fishing place.

c. To fish at such a place with a screw steamer, on whose bow and stern the draught is not marked in distinct figures, or to bring the screw into motion before 30 centimetres of water, at least, are under the vessel where its draught is deepest.

d. To fish at such a place with a dredge which, whether weighted or not, weighs more than 35 kilogrammes.

e. At such a place to let fall or throw overboard ashes or any dirt.

f. To damage the beacons or buoys serving to mark off such portions, to pull them down, sail over them, or to remove them from their places.

Article 20.

It is prohibited to use other nets or other fishing tackle, to have at hand or to have on board of the vessel, or of the rowing boat belonging to it at the place assigned for exclusive use, other than the following:—

a. For the Plaice Fishery.—The inclosed space with a bow-net of which the meshes shall be at the least 8 centimetres wide, and the wood or cane-work must be placed with spaces between of 1 centimetre at least, and the screen net and "praam" net, of which the meshes shall be also at the least 8 centimetres wide.

b. For the Flounder Fishery.—The flounder-dredge and the ground-net, of which the meshes shall be at least 8 centimetres wide.

c. For the Whiting (molenaar) Fishery.—The "segen" or drag-net, and the bow-net, of which the meshes shall be at least 2 centimetres wide.

d. For the Shrimp Fishery.—The dredge and drag-net, of which the meshes shall be at least $2\frac{1}{2}$ centimetres wide for one-third of the length of the net, and for the other two-thirds at least $1\frac{1}{2}$ centimetres wide.

f. For the Herring Fishery.—The inclosed space with bow-net, of which the woodwork shall be placed at intervals of at least 1 centimetre, and the drag net; the meshes of the drag-net and of the bow-net must be at least 3 centimetres wide.

g. For the Sprat (Sardine) Fishery.—The sprat-net, of which the meshes shall be at least $1\frac{1}{2}$ centimetres wide.

h. For the Mullet Fishery.—The drag-net and the upright mullet-net, of which the meshes shall be at least 8 centimetres wide.

i. For the Anchovy Fishery.—The inclosed space with bow-net, of which the meshes shall be at least $1\frac{1}{2}$ centimetres wide, and the drag-net and the upright net, of which the meshes shall have the same width at the least.

k. For the Eel Fishery.—The bow-net and the square net, of which the meshes shall be at least $1\frac{1}{2}$ centimetres wide, the eel spear, eel hooks, eel net, and the sniggle.

l. For the Ray Fishery.—The ray-dredge and the screen or upright net, of which the meshes shall be at least 25 centimetres wide.

m. For the Crab and Lobster Fishery.—The crab nets and crab dredges.

Article 21.

It is forbidden for the oyster fishery to use or have on board the vessel, or rowing boat belonging to it, other nets or fishing tackle than the hand-rake, the large rake, and the oyster net, of which the meshes shall be at least 8 centimetres wide, and no string or other material shall be woven into the iron nets to make the meshes smaller.

This prohibition does not apply to the fishery and culture of oysters in places given for exclusive use.

[Article 22.

It is forbidden for the mussel fishery to use or have on board the vessel or rowing boat belonging to it, any other nets or fishing tackle than the hand

rake and large rake and, if the banks lie in deep water and special permission has been given, also the dredge.

This prohibition does not apply to the fishery and culture of mussels in places given for exclusive use.

Article 23.

It is forbidden to have in a vessel, cauf, or ben, any fish under the following size or the following weight :—

Plaice, flounders, and smelts, 16 centimetres.
Mullet, ½ kilogram.
Oysters, 6 centimetres measured on the narrowest part.
Mussels, 4 centimetres.
Lobsters, 20 centimetres.

By the size of a fish is understood the length of the animal, measured from the point of the head to the end of the tail fin.

With respect to oysters and mussels, this prohibition does not apply to the cases mentioned in the last paragraph of Articles 21 and 22.

Article 24.

It is forbidden :

1. To have plaice or mullet in a vessel, cauf, or ben, or to fish for plaice or mullet between the 15th November and the 15th March following.
2. To fish for anchovies between the 1st July and the 1st April following.
3. To fish in inclosed places without using the bow net.
4. To have oysters on board, or to fish for oysters between the last day of February and the 1st of October following, excepting in places given for exclusive use.

Article 25.

It is forbidden :

a. To fish in the current before inclosed places within 1,000 metres with the screen-net or with the mullet-net.
b. To throw or cause to be thrown overboard caught star-fish.

Article 26.

Fish under the size and weight mentioned in the preceding Articles and fish for which the season is closed, shall immediately be thrown overboard.

Article 27.

Every year the authorities will give notice by publishing and advertising what mussel banks are open for general fishery. The closing will be made known in the same manner.

Mussel banks, not belonging to the State, may be opened by the authorities to interested parties on their request for a certain time for fishing by the proprietors or holders of their written permission, which must be shown immediately on being demanded to the officials intrusted with the enforcement of these regulations.

Article 28.

It is forbidden :

1. To fish for shell-fish (winkles are not included) on mussel banks not proclaimed by the authorities as open for public fishing, also on mussel banks beloging to private persons, of which the opening mentioned in Article 27, second part, has not taken place.
2. To do anything by which the shell fish on those banks might be injured.

Article 29.

During the time that fishery is closed, either in general or in certain places, or prohibited, no fixtures may be made or nets or other fishing-gear be on board or afloat, which might be used for the prohibited fishery, and such fixtures and nets may be removed by the authorities.

Article 30.

The placing or having in possession fixtures is forbidden to all persons who have not obtained permission for them from the authorities, which permission shall not be given for more than one year at a time.

The authorities are authorised to remove at the expense of the defaulter all fixtures which have been placed without their permission, or which have not been removed within one week of the termination of the permission.

Article 31.

It is forbidden to have or to place Portuguese oysters in the Scheldt or the Zealand waters.

Should they be found and not be immediately cleared away after notice has been given to the interested parties, the authorities may have them removed at the expense of those persons.

CHAPTER II.

SPECIAL CONDITIONS CONCERNING THE FISHERIES BELONGING TO THE DOMAINS OF THE STATE.

Article 32.

Where the fishery belongs to the State, and this is not forbidden by the Treaty with Belgium mentioned in Article 5, fishing places may be given by public competition, by drawing lots, or by lease for a certain time in exclusive use, and the placing of fixtures for fishery other than that of anchovies, oysters, or mussels may be permitted free of cost, either by drawing lots, or for the first comer or by selection.

Grounds may be privately let on lease, for which in public competition little or not enough has been offered, and grounds may be given privately in concession, which in the drawing of lots have, for want of competitors, not fallen to anybody's share, or which have been applied for by a person whose own ground had become useless, or who, having taken part in the last lottery, has not as yet received a ground.

Also, by exception, grounds may be leased privately because of their small value, or their position with respect to another ground or several other grounds, or the safety of surrounding fisheries or the short time for which they can be given.

Article 33.

Persons making use of places given for exclusive use are obliged to mark out their grounds to the satisfaction of the authorities, and to keep those marks in good condition, more especially the posts with numbers and letters marked on them.

Should they, being in default, not remedy the damage within a fortnight after being warned of the same by the authorities, these may have them repaired at the expense of those persons.

Article 34.

It is forbidden for a person who occupies a place given in exclusive use to fish there if the posts and marks are defective, or to allow fishing there until the damaged posts, &c. have been repaired.

Article 35.

It is forbidden to dig off, or to dig out, or to raise mounds of any kind in places given in exclusive use without a written permission from the authorities.

Article 36.

It is forbidden to sow mussels in places given for exclusive use in which the culture of mussels has not been allowed.

Mussels found at any time at that place must be removed by the occupants within a month from receiving notice from the authorities; in default thereof the authorities may have them removed at the expense of the occupant.

Article 37.

Excepting in places indicated by the authorities, it is forbidden to have tiles or other articles lying in the places given for exclusive use between the 15th December and the 15th March following.

Article 38.

It is forbidden from one hour after sunset until one hour before sunrise to dredge or drag up shell-fish in places given for exclusive use. This regulation does not apply to fishing up tiles put in the water to collect sediment nor to breeding tanks.

Article 39.

It is forbidden for the occupants of places given for exclusive use into which the outlets of "holders" run, to do anything which according to the opinion of the authorities might obstruct the flow of water.

Obstructions made must be removed by them within 24 hours after notice has been given by the authorities; in default thereof the authorities may have them removed at the occupant's expense.

Article 40.

The vessels used for guarding places given for exclusive use must satisfy the requirements made in Article 15 for fishing craft.

The skipper of the vessel is responsible for this.

Article 41.

The fishermen of enclosed spaces where no fishing is done on Sundays must leave all mouths of nets entirely open on that day.

CHAPTER III.

General Provisions.

Article 42.

In these regulations are understood:

a. By the words "width of a mesh" the length of two of its sides, including the knot between those sides, measured when wet. Also after the shrinking of the net the meshes must be of the width prescribed;

b. By the word "*fish*" all edible scale and shell-fish, with the exception of those in the last paragraph of Article 23;

c. By the word "*fish*," as a verb, the catching with the hand or with any instrument of fish on ground that has been left dry or in shallow water, the sowing of oysters and mussels, the taking the spawn to the water or having possession of it, and the raising or drawing up of fishing-nets, dredges, or other fishing tackle, and of tiles or other

appliances for collecting oyster spawn (with the exception of putting shells into the water for the oyster-culture) and the employment of fixed arrangements for catching fish :

d. By the words "*mussels*" and "*oysters*" those shell-fish of all ages and all measurements, including the so-called oyster-brood and mussel-seed ;

e. By the words "*permanent arrangements*" :

1. Weirs, used for catching any sort of fish ;
2. Arrangements for breeding shell-fish ;
3. In general all nets and other appliances used for catching any sort of fish which are not propelled in any manner, excepting the screen-net for plaice and mullet fishery, and the purse-net for flounders ;

f. By the word "*fishing-boats*," all vessels mechanically propelled, either by sails, steam, or in another manner by which the fishery is carried on, or which are usually employed in fishery ;

g. By the words "places assigned for exclusive use," places let on lease by the State, or given in concession, and places assigned by other owners for use, let on lease, or kept under their own control. Furthermore, such fishing places belonging to the State as are declared by public announcement of the authorities to be reserved temporarily by or for the State in behalf of examinations or making investigations ;

h. By the word "*mussel-banks*" in Articles 27 and 28, the mussel seed banks so called ;

i. by the words "the *Scheldt* and *Zealand waters*" ;

1. The waters running outside the dykes and harbour-piers in the province of *Zealand ;* (by the words "outside the dykes" shall be understood the water on the river-side of the dyke) ;
2. The portions of the *Western Scheldt*, the *Eastern Scheldt*, the *Eendracht*, and the *Slaak* belonging to the province of *North Brabant ;*
3. The portions of the *Brouwershaven Gat*, the *Springersdiep*, the *Vlieger*, the *Hals*, the *Bieningen* or *Grevelingen*, and the *Krammer*, eastward up to the projecting eastern frontier of the province of *Zealand.*

The western or sea-frontier, outside which the territory of the Scheldt and the Zealand waters terminates, shall be considered to be—

for the *Western Scheldt*, a straight line drawn from the north point of the Westdyke of the Kievittepolder to the lighthouse at West Kapelle ;

for the *Eastern Scheldt* or *Roompot* a straight line drawn from the red light at the Oranjezon to the revolving light of Western Schonwen, and for the *Brouwershaven Gat*, a straight line drawn from the lighthouse at Renesse to the small house of the Springer ;

j. By the words "the authorities," the authorities of the fisheries on the Scheldt and the Zealand waters ;

k. By the words "Portuguese oyster," the "ostreaangulata."

Article 43.

The officials charged with the inspection of the fishery are empowered :

1. To visit and inspect at all times fishing places assigned for exclusive use ;
2. To go on board the vessels employed in the fishery, to search those vessels, to take possession of the prohibited nets and fishing tackle, and of the fish on board in violation of these regulations, as also all articles evidently coming from a place assigned for exclusive use, and of which the captain cannot justify his possession to the satisfaction of those officials.

The captains of these vessels are bound to bring-to whenever they are summoned by those officials. Hoisting or waving a white flag, or calling to, is held to constitute such a summons.

The officials aforesaid, if necessary, shall bring the vessel with which the offence was committed to one of the Netherlands ports on the Scheldt and Zealand waters that they may select to duly carry out the seizure.

They are empowered to throw overboard, to cause to be thrown overboard, or to render useless, fish found on board below the legal measurement or in closed time. The captain and the crew of the fishing boat must, when required, assist in throwing the fish overboard.

Article 44.

In addition to the police and manéchaussée, the chairman of the Board, the head inspector of the fisheries on the Scheldt and Zealand waters, the inspectors, the inspectors extraordinary, and the captains engaged in those fisheries, are charged with the inspection of the fishery.

The procès-verbaux for violation of these regulations, drawn up by other officials than those of the fishery authorities, shall be copied by them, and this copy, or a summary of the contents, within eight days after the drawing up, shall be transmitted to the chairman of the Fishery Board.

Article 45.

Until 31st March 1901, Article 1 of these regulations is not applicable to the lessees of the fisheries and breeding grounds and capture of shell-fish of the State in the South Holland part of the waters mentioned under letter *g* in Article 42, No. 3, so far as these were leased, and this lease dates earlier than the issue of the Royal Decree of 11th August 1892 (Staatsblad, No. 198), so far as concerns the exercise of their aforesaid lease now running, nor to the persons who fish in the water so leased for these lessees or by their permission.

Until 31st March 1901, Article 30 does not apply to lessees of South Holland fishing places, who by the terms of the lease may carry on enclosed or weir fishery, and are furnished with the proper fishing licence.

Belongs to the Royal Decree of the 17th August 1900 (Staatsblad, No. 149).

(Signed) PIERSON,
Minister of Finance.

(Signed) C. LELY,
Minister of "Waterstaat," Trade and Industry.

(Signed) W. H. DE BEAUFORT,
Minister for Foreign Affairs.

No. 8.

SWEDEN AND NORWAY.

SIR F. PAKENHAM to the MARQUESS OF SALISBURY.

MY LORD, Stockholm, April 3, 1900.

WITH reference to your Lordship's Despatch No. 1, Commercial, of January 5 last, asking on behalf of the Board of Trade for information as to the fishery legislation of Sweden and Norway, I have the honour to enclose to your Lordship herewith, in translation, the information which has been afforded me by the local authorities.

I have, &c.
(Signed) F. PAKENHAM.

Enclosure 1 in No. 8.

SWEDEN.

Sweden.

MEMORANDUM concerning FISHERY LEGISLATION in SWEDEN, especially concerning existing LAWS relating to the MINIMUM SIZE of SALT-WATER FISH, including Crab and Crawfish Kind, and Mussels, which may be lawfully caught and offered for sale; also concerning other Measures taken for the PROTECTION of the TENDER and UNDERSIZED YOUNG FISH.

The various conditions of climate, &c., which exist, and which arise from the great extent of the country north and south, have caused few Decrees concerning the conditions of fishing, and affecting the whole country, to be met with.

Such are not, however, altogether wanting. One, of a very elementary character, is found in the Royal Fishery Law (Kongl. Fiskeristadgan) of June 29, 1852, which prescribes *that fishing shall be so carried on that the spawn shall not be destroyed, and that the fish, after spawning (den utlekta fisken), and the tender young, shall not be taken.* In this view it is in the same paragraph enacted that the use of woven material for seine bags shall be forbidden; that seines with meshes so fine that tender young fish can be caught in them shall not be used in any other fishing than for smelt or other bait for angling; and that herring fishery may not be carried on with seines or drag-nets exceeding 40 fathoms (71 · 26 mètres) in length, and 4 fathoms (7 · 13 mètres) in depth, and the meshes of which are finer than an inch (24 · 7 mm.) between the knots even in the middle (bröstet).

Instructions have, however, been issued restricting somewhat the application of the above-mentioned Ordinances, first, by Royal Letters of May 1, 1868, and March 23, 1870, in which it was declared that what was contained in §22 of the Fishery Law about certain sizes of mesh in seines and drag-nets which were employed in herring fishery, applied neither to nets or yarn used in such fishing, nor to such utensils as were employed in the taking of strömming, or so-called Baltic herrings; second, by the Royal Letter of February 14, 1874, in which special provisions were published regarding the sprat fishery on the coast of Bohuslän; third, also by the Royal Letter of February 1st, 1878, by which the herring fishery in Göteborgslän and Bohuslän was exempted from the provisions in the said section concerning the length of utensils and the size of their meshes.

In §23 of the law referred to above, lobster fishing was forbidden during the period from July 15th, inclusive, to September 15th, during which time utensils for the taking of lobsters may not be kept placed in the water, and oyster fishing from May 1st, inclusive, to September 1st, every year.

It is also forbidden during the periods thus interdicted to hold for sale, or to offer, sell, buy, or convey from one place to another lobsters or oysters, except it can be legally proved that they were caught in permitted time or obtained in some other lawful manner.

In the same §23 it is further forbidden to take lobsters less than 21 cm. in length, reckoning from the tip of the "snout" to the end of the tail, or oysters less than 59 mm. in diameter or breadth; and it is ordered that when lobsters or oysters under these sizes are taken they shall immediately be returned to the water at the place where they were taken up.

No other enactments touching the matter in question, and applicable to the whole kingdom, exist; and in consequence of the singularly different conditions and circumstances found, even in neighbouring places, it has not been possible to devise prescriptions applicable to any large part of the country.

It is therefore a matter of course that these conditions have demanded an amount of attention and study which His Majesty could not himself immediately bestow upon them; for which reason he has intrusted to the respective Governors that each in his own province should, in accordance with the principles above stated, lay down such rules as the circumstances in each province may require.

SWEDEN.

Thus, in the latter part of the above-mentioned §22 of the Fishery Law, it is ordained that if any authorised person should ask it, or if the Governor deem it necessary, the said Governor should decide—

During what parts of the year, having regard to the spawning time of one or another kind of fish, the taking of such kinds should be prohibited,

The manner in which, during the time permitted, fishing shall be carried on, as also with what utensils, and how these should be conditioned as to size, meshes, or construction in general; and

Whatever else may serve to protect the fish and help them to thrive, as the clearing away of mud from watercourses, and of whatever else may hinder fish in swimming.

On the ground of these enactments the Governors in all the Government districts of the kingdom have issued instructions concerning the carrying on of fishing; but these instructions do not always apply to the districts in their entirety; but the different conditions which exist even in different places in the several districts have in most cases led to the issuing of several sets of regulations in each district, each one valid in smaller parts or for different kinds of fish.

Stockholm, March 2, 1900.

Enclosure 2 in No. 8.

Norway.

NORWAY.

MEMORANDUM concerning the ORDINANCES VALID in NORWAY with regard to the MINIMUM SIZE of the SALT-WATER FISH (including Crab and Crawfish kind and Mussels) which may be lawfully caught and offered for sale, and concerning other Measures that may have been taken for the PROTECTION of TENDER YOUNG FISH.

In the Norwegian fishery legislation there are but few and scattered Ordinances which have the above-mentioned object in view. The Home Department has for some time had under consideration a proposition of a more comprehensive law on this subject, but the matter is not yet sufficiently prepared.

There exists at present no prohibition forbidding the taking and offering for sale salt-water fish of any size whatever, except as regards *lobsters*, whereof in § 1 of the Law of June 29, 1894, on the protection of lobsters, it is decreed that lobsters which are less than 21 cm. long from the tip of the "snout" to end of the tail may neither be taken, offered for sale, sold, bought, or taken away, but shall, immediately after being taken up, be thrown back again into the sea.

Of other legal Ordinances whose purpose i[redacted]ng fish also, there is the Law of April 28, 1888, concerning [redacted]se of instruments in salt-water fishing. This law gives the King—after a decision come to by the Vestry Board—power to prohibit until further notice, or for a fixed period, the employment of certain instruments or fishing materials, so as thereby to prevent the destruction or consumption of immature fish.

[redacted]gain, there are Ordinances which, however, are in force only in the [redacted]hernmost part of the country, and which forbid the taking of young fish [redacted]manure or for sale to guano manufactories.

[redacted]hristiania, March 8, 1900.

PART II.

Reports as to the effect of the Restrictive Legislation Affecting Sea Fisheries in the Countries bordering on the North Sea.

Questions addressed by the Foreign Office, at the desire of the Board of Trade, to H.M. Representatives:—

1. To what extent is the law regarding prohibition of capture and sale of Undersized Fish enforced?
2. Is the prohibition applied to Fish from whatever source obtained or only to those taken in territorial waters?
3. What has been the effect generally of these laws?

Belgium.

1. La mise en vigueur des dispositions de l'arrêté royal du 5 Septembre, 1892, relatives au poisson immaturé s'est effectuée sans difficulté et n'a pas soulevé de récriminations de la part des pêcheurs;

2. La disposition légale défendant le débarquement, le transport, le colportage, l'exposition en vente et la vente en Belgique du poisson immaturé, quelle qu'en soit la provenance, est considérée comme appelée à donner des bons résultats.

3. L'on estime que les mesures prescrites par l'arrêté royal visé ci-dessus ne produiront tous leurs effets que lorsque l'Angleterre et les autres Etats confinant à la mer du nord appliqueront des dispositions analogues.

Denmark.

Ad. 1. Le §56 de la loi du 5 avril 1888, interdit la vente des poissons dont il est question, mais ne défend pas aux pêcheurs de les amener à terre et de les employer dans leurs propres ménages. Cette circonstance rend le contrôle bien difficile. Puisque la seule présence à terre de poissons au dessous de la mesure ne constitue pas une infraction à la loi, il incombe au contrôle de prouver que les poissons sont destinés à être vendus; or cette démonstration est souvent fo[illegible] Gouvernement ne doute pas que fréquemment les pêcheurs se [illegible]ite par une déclaration peu véridique à l'effet qu'ils n'ont pa[illegible]s poissons. Toutèfois la défense de la loi est maintenue dans une étendue considérable par l'inspection de la pêche maritime et par la police locale, mais elle est souvent violée etmême des quantités assez notables de ces poissons sont exportées. Un projet d'amendement tendant à prohiber d'amener à terre le poisson audessous de la mesure a été soumis au Rigsdag plusieurs fois mais n'a pas été voté.

Ad. 2. La défense s'applique à tout poisson sans tenir compte de l'en ou il a été pêché.

Ad. 3. Il est difficile d'apprécier avec quelque certitude les effets gene de la loi, tant à cause de la vente illégale à laquelle est référé sub 1, ta cause des quantités des poissons au dessous de la mesure consommées leg ment par les pêcheurs euxmêmes. Cependant on croit pouvoir const l'absence presque totale sur les marchés de quelque importance en Danem de poisson au dessous de la mesure et pouvoir attribuer l'autre régle du de la loi de 1888 selon laquelle les poissons en question ne doivent employés que pour nourriture humaine de bons résultats en arrêtant la prati de donner le fretin aux animaux domestiques.

INFORMATION RECEIVED IN REPLY TO PRECEDING QUESTIONS.

France.

Previously to the year 1862, the limits of size at which different species of fish could be caught or sold were as follows:—From 9 centimètres (about 3½ inches) for smelts to 27 centimètres (about 10½ inches) for salmon and cod.

The Decree of the 10th May 1862, however, which is applicable to and now in force in all France, altered the previous legislation. Article XI. of this Decree runs as follows:—

"It is forbidden to fish, salt, buy, sell, transport, or employ for any purpose whatever (1) fish under 10 centimètres (nearly 4 inches) in length, measured from the eye to the root of the tail, unless they are reputed migratory fish, (*poissons de passage*) or that they belong to a species which, when full grown, does not exceed this length; (2) lobsters and cray fish under 20 centimètres (nearly 8 inches) from the eye to the root of the tail; (3) oysters less than 5 centimètres (nearly 2 inches)."

The following information in reply to the three points on which the Board of Trade desire particulars has been obtained from a competent source:—

1. *How far the Law regarding the Prohibition of, Capture, and Sale of undersized Fish is enforced.*

It is a general opinion that although the Marine Administration and the market authorities are instructed to carefully watch the observance of the regulations contained in the Decree of May 10th 1862, above referred to, with regard to the size of fish allowed to be caught or sold, in practice this supervision is not effective. In the Mediterranean especially, undersized fish are commonly caught and sold, and prosecutions are very rare.

2. *Whether the Prohibition is applied to Fish from whatever Source obtained or only to those taken in Territorial Waters.*

The law makes no distinction as to the sources of the fish caught or offered for sale, and it would be difficult in practice to establish any distinction.

3. *What has been the Effect generally of these Laws.*

It is almost impossible to give a satisfactory reply to this question. On the coasts of France there are general complaints, as on those of other countries, that fish are growing scarce, and it is generally acknowledged that as the French regulations are very loosely observed in France generally, and especially in the south, no conclusion can be drawn as to their effect upon the preservation of fish, more especially as the limit of 10 centimètres (4 inches) is considered far too low to have any beneficial result.

Germany.

1. The law is very strictly enforced as regards the sale of undersized fish, and there are also regulations prohibiting the use of such fish for manure, or food for animals, or for any agricultural purpose.

2. The sale of any fish under a certain size or weight is absolutely prohibited.

3. Opinions are very divided as regards the efficacy of these regulations.

The Netherlands.

A.—NORTH SEA.—ZUIDERZEE.

(1.) Article 7 of the law of 1881 prohibits the landing, selling, buying, conveying, having in stock, or consuming of herrings, flounders, and whiting below certain measurements. In practice, the observance of this limitation is very difficult, if not impossible: a strict observance cannot even be attempted.

(2.) According to the wording of the law, Article 7 applies to the fish mentioned therein, independently of where it was caught. The cases to which Article 7 was applied concern fish caught in the Zuiderzee only.

(3.) The instructions of Article 7 have thus far not had any perceptible influence in counteracting the destruction of young fish.

B.—Scheldt and Zealand Waters.

(1.) Whilst the Law of 1881 prohibits the landing, selling, &c. of certain kinds of fish below certain measurements, the regulation of 11th August 1892 (Staatsblad, No. 198) prohibits having it on board.

Also this provision did not seem very efficient, and was very difficult to maintain.

(2.) The prohibitory regulation concerns the fishery only which is carried on in the territory of the Scheldt and Zealand waters.

(3.) The provision of Article 14 has had some good influence, but not enough effectually to restrain the evil.

Many fishermen do throw overboard the fish that is undersized, but in general it is so much injured that it dies, either by having been kept too long on board or else that the fish was injured in the net.

In connection with the questions which have been put, it must also be added that a more definite regulation of the subject in question has been under consideration for some time, but up to this moment the subject is not yet considered ripe for decision.

Sweden.

With regard to the first question, besides the directions laid down in the Pro-Memoria of the Civil Department dated the 2nd of March 1900, as to lobsters and oysters, which affect the whole kingdom, no other instructions regarding the size of sea or shell-fish offered for sale have been promulgated except in the country of Malmöhus regarding eels.

These latter are only allowed to be landed and exposed for sale, bought, or despatched, if they measure more than 37 centimetres from the nose to the tip of the tail fin, and should the contrary be the case they must be restored to the water, under a fine of from 10 to 50 kroners for each breach of the law.

However, different laws and regulations regarding the nature of fishing instruments and similar things have been promulgated affecting special coast lines or bays, in the manner prescribed in paragraph 22 of the Fishing Law now in force, cited in the above-mentioned Pro-Memoria of the Civil Department, in order to prohibit the capture of immature fish.

When enforcing the application of the prohibitions no regard is taken as to whether the fish have been caught within or without the territorial boundaries.

The enactments of the law regarding this matter have been and still are often disregarded, but on the whole it must be acknowledged that they have essentially aided to counteract the destruction of lobsters and oysters, and the prohibition regarding the capture of immature eels is said to have been received with universal satisfaction by the fishing population.

In the proposal made before the Convention of last year between Sweden and Denmark regarding the fishing in the seas adjoining both countries, resolutions were laid down regarding fixing the size of flounders.

When, however, fishermen from other countries than Sweden and Denmark fish in the above seas, these fishermen are exempt from the definitions of the Convention in this respect; as it did not seem suitable to bring only Swedish and Danish fishermen under the restraint of similar prescriptions, the clauses regarding this matter were eliminated from the proposal.

NORWAY.

(Pro-Memoria.)

Control with regard to observing the prohibition of catching and selling lobsters laid down by the Regulation of June 29, 1894, is exercised by the police and Customs officials.

The prohibition is in force regardless of the place where the lobsters are caught. In Norway all lobsters are caught within the territorial limits.

The prohibition of the use of certain fishing materials, as well as of the use of fish as manure, is also under the control of the police. As to the effect of the rules laid down, reference is made to the statement of September 18th of this year by Dr. Johan Hjort, Director of Practical Scientific Experiments in connection with Salt Water Fisheries, copy of which is hereby enclosed.

A copy of the Treatise entitled, "Report on Norwegian Fishery and Marine "Investigations," Vol. I., is also enclosed.*

Enclosure No. 1.

TRANSLATION of REPORT from Dr. JOHAN HJORT to the NORWEGIAN HOME OFFICE, dated September 18, 1900.

With regard to the communication of the Department of the 30th of August this year respecting the information asked for by the Foreign Department as to the effect of the regulations laid down regarding the protection of immature fish, I beg to draw your attention to the fact that there is an essential difference between English and Norwegian Regulations in this respect, viz., that in England it is prohibited to sell fish under a certain size, whilst in Norway an attempt has been made to protect immature fish by forbidding the use of certain specified fishing materials and meshes, excepting for salmon trout and lobsters.

Accordingly the English Government will hardly gather any knowledge from the experience in our country with regard to the system employed in England and other countries, as, for instance, in Denmark and Germany.

With regard to the Norwegian system, no judgment of its results can be made except from a treatise published by the undersigned and Kandidat K. Dahl, called "Fishing Experiments in the Norwegian Fjords," an English translation of which probably exists in the Norwegian publishing press.

I take the liberty of proposing to the Department to take into consideration whether they should not enclose copy of the report which has been collected on "Norwegian Marine and Fishery Investigations" when answering the communication of the Foreign Department.

(Signed) J. HJORT.

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* It would appear from this report, which is of considerable length, that the conditions off the Norwegian Coast are altogether different from those prevailing in the southern and western parts of the North Sea.

The shore falls abruptly to a great depth at a short distance from the land, and it would hardly be possible to find 16 square miles of trawling ground off the whole Norwegian coast at a less depth than 10 fathoms.

The beam or other trawl seems not to be used, and the prohibitions are chiefly directed to the use of fine meshed seines, which were originally constructed for catching eels or small herrings.

The regulations are made by the King on petition from the communal authority.

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